



**Consultation on
Proposed Modifications to the Green Belt
Policy in the
Huntington Neighbourhood Plan**

December 2020

How to get involved with this consultation

We would like your views on the proposed modifications to Green Belt Policies in the Huntington Neighbourhood Plan.

We are inviting representations for a period of 8 weeks **between Thursday 3 December 2020 until 23:45 hours on Thursday 28 January 2021**.

Submitting your comments:

Please submit your comments by:

- Email to: neighbourhoodplanning@york.gov.uk; or
- Freepost to: Forward Planning Team,
Huntington Neighbourhood Plan Consultation,
FREEPOST RTEG-TYYU-KLTZ,
City of York Council,
West Offices,
Station Rise,
York,
YO1 6GA.

Please allow plenty of time for any representation by post to be received and processed. Due to current pandemic, this may take longer than usual to reach us.

The deadline for comments is 23:45 hours on Thursday 28 January 2021.

Background to this consultation

The Huntington Neighbourhood Plan has been independently examined following submission by Huntington Parish Council in 2019. The Submission document are available via the Council's webpage: <https://www.york.gov.uk/planning-policy/huntington-neighbourhood-plan>

The appointed Examiner issued his final Examiner's report in February 2020¹. Overall, the Examiner's Report concluded that "*Subject to a series of recommended modifications set out in this report ...[it is]... concluded that the Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum*".

Following the Submission of the Huntington Neighbourhood Plan and receipt of the Examiner's report, the Council has received the outcome of a High Court Judgment 'Wedgewood v. City of York Council [March 2020]²' pertaining to and clarifying the

¹ See <https://www.york.gov.uk/downloads/file/5813/huntington-neighbourhood-plan-examiners-report>

² See <https://www.york.gov.uk/downloads/file/5737/ex-cyc-39a-appendix-1-wedgewood-vs-city-of-york-council>

approach to decision-making in relation to York's Green Belt in advance of the adoption of the emerging York Local Plan.

It is proposed that the outcomes of this judgement should be reflected in the Neighbourhood Plan in order to secure that it meets the Basic Conditions as required by the Neighbourhood Planning Regulations.

Additionally, the Council received a challenge to the Green Belt policy in the Huntington Neighbourhood Plan through the examination process. It is proposed that reflecting the outcomes of the judgement above would also satisfy this challenge to the policy.

The Council has the capacity to modify the Examiner's report in line with the applicable Neighbourhood Planning Regulations, if required, where the "*reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact*". The Regulation requires that the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations. Where the authority consider it appropriate, they may refer the issue to independent examination.

The receipt of the High Court Judgement after the Examination of the plan constitutes new evidence in considering the approach to decision-making in relation to York's Green Belt. It is our view that these modification should be reflected in the Neighbourhood Plan and therefore requires additional modifications to those proposed by the Examiner.

In order to accord with the 'Wedgewood vs City of York Council' Judgment and to consider the challenge to the policy, the Council sought legal advice on the changes necessary to the Huntington Neighbourhood Plan to ensure that it meets the Basic Conditions. The proposed modifications in this document reflect this advice.

The Council's Executive on 22 October 2020³ agreed to consult on the proposed further modification in accordance with Regulation 17A (2) of The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016. This additional consultation will allow all interested parties to comment on the proposed modifications to the approach to Green Belt policies in the Neighbourhood Plan.

Following this consultation, the Officer's will report back to the Council's Executive to enable consideration of the comments made and to take a decision on whether to progress the plan to Referendum.

³ See Item 49: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=12298&Ver=4>

The Proposed Modifications

We would like your view on the proposed modifications to the Huntington neighbourhood Plan. Please see:

- Part 1 – This sets out the overall changes we think are necessary to make to the neighbourhood Plan meet Basic Conditions;
- Part 2 – This sets out the detailed proposed wording amendments to the Green Belt section of the Huntington Neighbourhood Plan Submission version, including Policy H14.

Consultation Question:

Do you agree with the proposed modifications to the Huntington Neighbourhood Plan as set out in Part 1 and Part 2?

Part 1: Overall changes required

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Proposed Modifications to Green Belt Policies and Associated Supporting Text
H14: Green Belt	7.66 – 7.69	<p>a) amend Policy H14: Green Belt to indicate that the general extent of the Green Belt has been established by the Regional Spatial Strategy (RSS);</p> <p>b) Policy H14 should remove reference to Map 3 and cross reference the saved RSS key diagram showing the general extent of York's Green Belt;</p> <p>c) amend Policy H14 to indicate that the inner boundary of the Green Belt will be defined through the Local Plan process, and that this policy shall apply to land included with the Green Belt boundary that is defined in an adopted Local Plan;</p> <p>d) amend Policy H14 and its supporting text to state that until the Green Belt boundaries are defined in an adopted Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes will be taken in accordance with the approach supported in the recent case of Christopher Wedgewood v City of York Council [2020] EWHC 780 (Admin);</p> <p>e) Amend supporting text to policy H14 to indicate that the 2005 draft Local Plan map shows what was approved in 2005 for development control</p>

		purposes and that in advance of the adoption of the Local Plan this will be taken into account along with the emerging Local Plan, RSS general extent of the Green Belt and site specific features in deciding whether land should be regarded as Green Belt for development control purposes, but that the 2005 draft Local Plan should not be treated as establishing a Green Belt boundary;
Map 3: Policies Map	n/a	f) Remove the 2005 Green Belt boundary from Map 3 'Proposals Map'.

Part 2: Proposed Modifications to Huntington Neighbourhood Plan Submission Version

The following text shows the modifications proposed by the Examiner and the further proposed modifications by City of York Council to the Green belt section of the Neighbourhood Plan.

Key to Policy H14 and Supporting Text Modifications

Huntington Neighbourhood Plan Submission Version

Examiners Recommended Modifications: ~~Deletions~~ / Additions

Additional Officer Recommended Modifications: ~~Deletions~~ / Additions

GREEN BELT

138. Over half of Huntington is designated as draft Green Belt. It covers much of the open countryside in the Parish, including large swathes of land especially to its east. ~~The general extent of the Green Belt in the Parish is shown at Map 3.~~
139. The fundamental aim of the Green Belt is to prevent urban sprawl by protecting the open character of land designated as such. Within the Green Belt, there are strict planning controls over the type of development, which can take place within it.
140. There is strong community sentiment regarding the draft Green Belt that generally surrounds the built-up parts of Huntington. It not only helps retain the distinct character of the area, but also provides opportunities for recreation and leisure and contains many key 'Green Infrastructure' assets including sites of nature conservation value.
141. National Planning policy is clear in its support for the Green Belt, emphasising its essential characteristics of openness and permanence. It also states that inappropriate development (such as the construction of new buildings), which is harmful to the role and function of the Green Belt should not be approved except in very special circumstances.

142. Despite the fact that the York Green Belt is still, technically, draft Green Belt it has, de facto, been in existence for several decades and has been reaffirmed on numerous occasions in planning refusals and dismissals of planning appeals. It was specifically recognised in the Yorkshire and Humber Regional Spatial Strategy (RSS) adopted in ~~2007~~ 2008 and although the RSS was substantially revoked by an Order (SI. No. 117 2013) made in early 2013 under the Localism Act 2011, policies which related to the York Green Belt were specifically excluded from the revocation.

143. The Neighbourhood Plan needs to be in general conformity with strategic policies of the Development Plan. In this case, these are the saved policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (RSS) (2008) and the RSS Key diagram (see Map 5). Together the policies and key diagram set the general extent of York's Green belt to approximately 6 miles from York's city centre.

~~143~~4. Further, whilst not forming part of the Development Plan, the City of York draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for development control purposes. The effect of this process is that decisions on planning applications falling within the general extent of the Green Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt. This is a material consideration in decision-making but does not define York's Green belt boundaries.

~~144~~5. The National Planning Policy Framework (NPPF) is clear that the identification and modification of Green Belt boundaries are essentially matters for the Local Planning Authority to determine. In this case, that authority is York City Council. Furthermore, these paragraphs identify that these processes should be undertaken as part of the preparation or review of a Local Plan. In this case, this would be through the vehicle of the preparation of the emerging City of York Local Plan, which was submitted for independent Examination in May 2018. The proposed Green Belt boundary relevant to the Huntington Neighbourhood Plan is set out on the Local Plan Policies Map North (2018) (Map 7). The adopted Local Plan will set the detailed Green belt Boundaries.

~~145. At the same time, the Neighbourhood Plan needs to be in general conformity with the strategic policies of the development plan. In this case, these are policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy. These identify the general extent of the York Green Belt and set out its national significance.~~

~~146. In these circumstances, this Plan continues to apply, and strongly supports, the approach to the identification of the Green Belt as set out currently in the RSS, and the Fourth Set of Changes Development Control Local Plan (2005 on an interim basis until such times as the emerging Local Plan is adopted. In advance of the adoption of the Local Plan decisions on whether to treat land as falling within the Green Belt for development management purposes will be taken in accordance with the approach supported in the case of Christopher Wedgewood v City of York Council Group [2020] EWHC 780 (Admin). This means that such decisions will take into account the RSS~~

general extent of the Green Belt, the draft Local Plan (April 2005) (Map 6), the emerging Local Plan and site specific features in deciding whether land should be regarded as Green Belt in advance of the adoption of the Local Plan.

147. This will ensure that the preparation of the emerging Local Plan is used as the mechanism for the detailed identification of the York Green Belt boundaries in accordance with national planning policy. It will also provide the proper opportunity for residents, developers and other interested bodies to contribute to this debate both in general terms on the Green Belt boundary and to provide the agreed levels of development for the City. Once the emerging Local Plan has been adopted, the Neighbourhood Plan will be reviewed in order to ensure that it and the Local Plan are consistent on this important matter.

POLICY H14 GREEN BELT

The Plan supports the continued designation of the majority of Huntington Parish as Green Belt. The general extent of the York Green Belt within Huntington Parish is shown on Map 3 the RSS Key Diagram (Map 5). The Green Belt will be defined through the Local Plan process. This policy shall apply to land included within the Green Belt boundary that is defined under an adopted Local Plan.

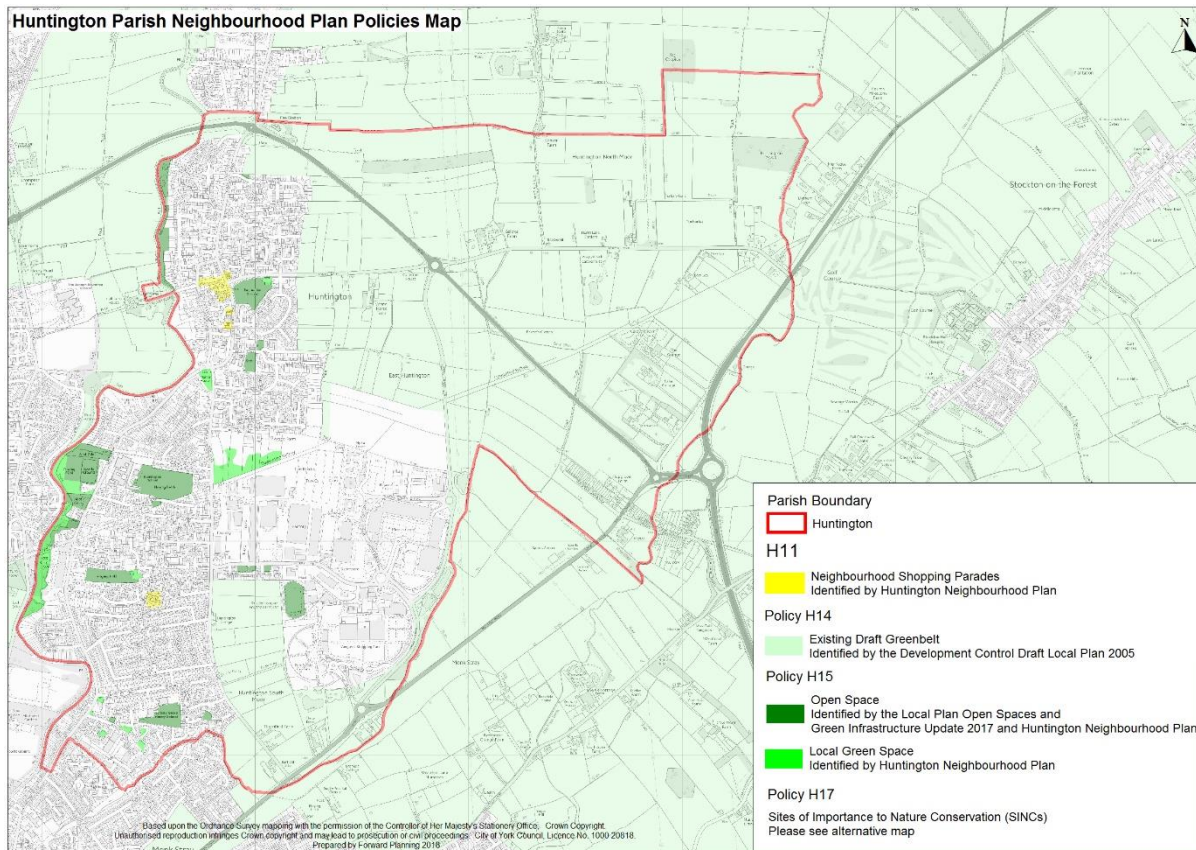
Decisions on whether to treat land as falling within the Green Belt for development management purposes in advance of the adoption of the Local Plan will be taken in accordance with the approach supported in the case of Christopher Wedgewood v City of York Council [2020] EWHC 780 (Admin), taking into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (Map 6), the emerging Local Plan and site specific features in deciding whether land should be regarded as Green Belt.

Within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in the National Planning Policy Framework.

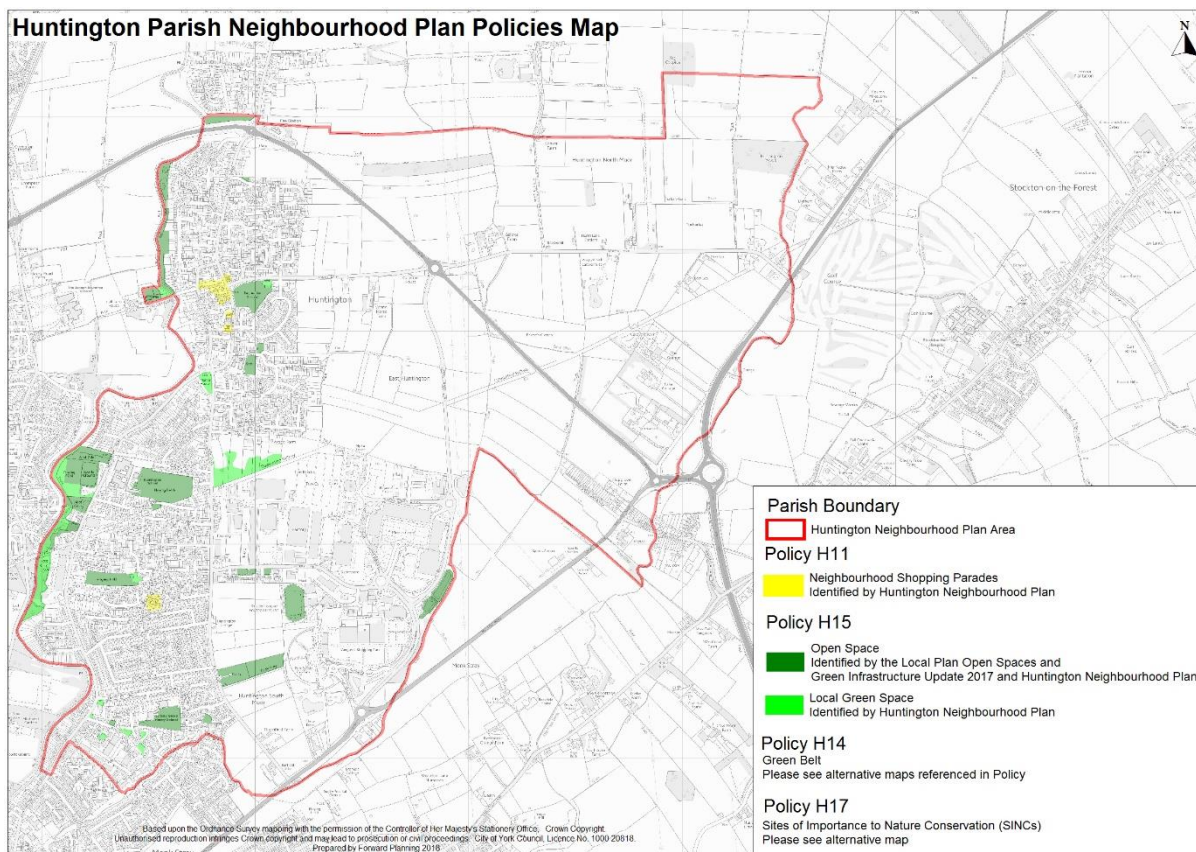
Development proposals for the following uses will be supported provided that they preserve the openness of the general extent of the Green Belt and do not conflict with the purposes of including land in the Green Belt:

- Minerals extraction;
- Engineering Operations;
- Local Transport Infrastructure that can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order.

Submitted Policies Map (Map 3) to be removed:

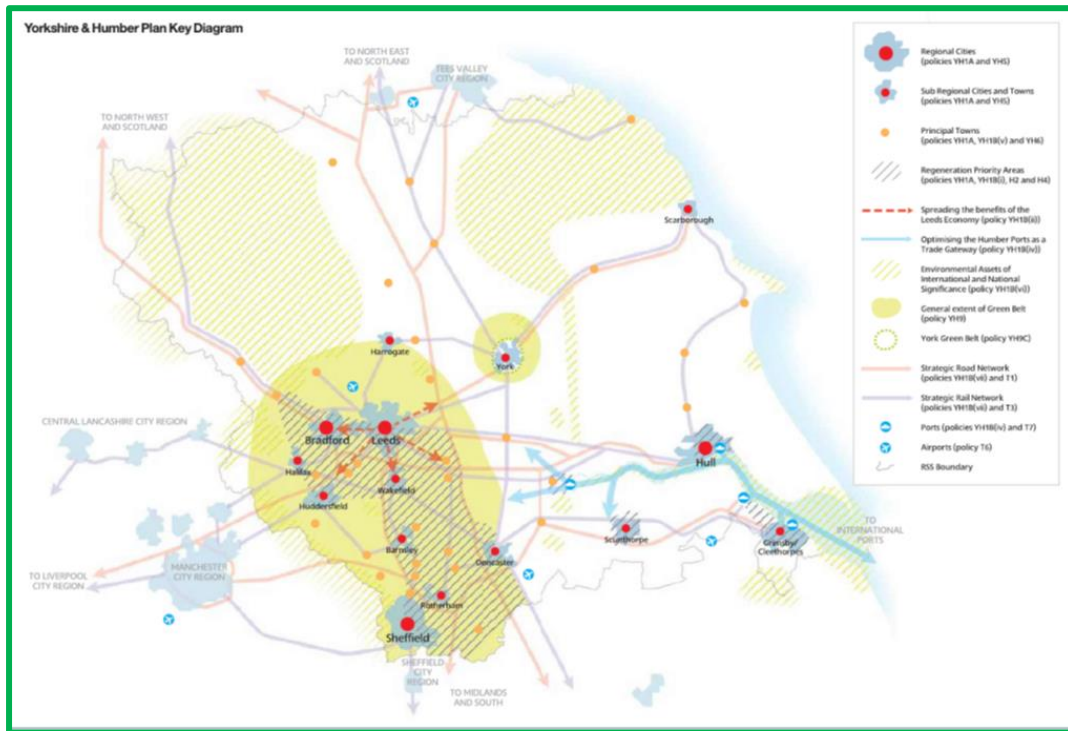


Revised Policies Map to be inserted (with Green Belt removed):



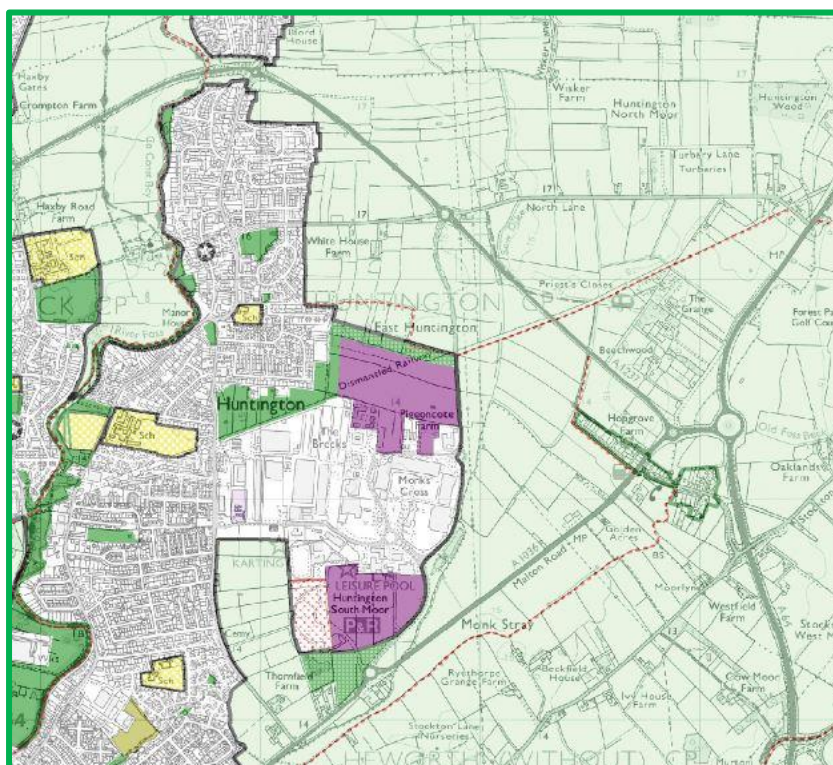
Maps to be Added:

Map 5: RSS Key Diagram



Map 6: City of York Draft Local Plan Incorporating the 4th Set of Changes approved for Development Control purposes (April 2005)

Proposals Map Huntingdon Parish Extract.



Map 7: City of York Local Plan Publication (Draft) (2018) Submitted for Examination

Policies Map (North) Huntington Parish Extract

