

Examination of the City of York Local Plan

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Neil Ferris
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By email only

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Dear Mr Ferris

Examination of the City of York Local Plan

As you are aware, we held 'Phase 1' hearings in December last year. These covered several fundamental matters, at least in part, including legal compliance, the objective assessment of housing need, the spatial distribution of housing and the general approach taken in respect of the Green Belt.

We have now reflected on the written evidence produced on these matters and the oral evidence given at the hearings. We have also read and considered the additional 'homework' produced by the Council, notably the Green Belt Clarification Note of June 2020 [Ex/CYC/39] ('the Clarification Note'). We are writing now for three reasons:

- because we have reached some conclusions in relation to whether or not it is necessary for exceptional circumstances to be demonstrated for the purposes of paragraphs 82 and 83 of the National Planning Policy Framework (2012) ('the NPPF'), and in relation to whether the Local Plan is in general conformity with the Regional Spatial Strategy, the Yorkshire and Humber Plan ('the RSS');
- because, unfortunately, we have some concerns regarding the evidence underpinning the approach taken by the Council to the Green Belt; and
- in the light of these concerns, to indicate potential options for the way forward.

We have numbered the following paragraphs to assist with any future cross-referencing that may be necessary.

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Exceptional circumstances and general conformity with the RSS

Context

1. York does not currently have an adopted development plan that includes Green Belt boundaries. This Local Plan proposes to introduce Green Belt boundaries for the first time in a development plan for York. The boundaries proposed are:
 - a) an 'inner boundary' around the city of York;
 - b) an 'outer boundary';
 - c) boundaries around some villages, 'insetting' them rather than including them in the Green Belt; and
 - d) boundaries around sites proposed for development in the Local Plan.
2. The examination is being held under the 'transitional arrangements', such that it is the policies of the 2012 NPPF that apply. Paragraphs 82 and 83 of the NPPF both require a demonstration of exceptional circumstances. The former relates to situations where new Green Belts are being established, the latter to the alteration of established Green Belt boundaries.
3. Two policies of the RSS – being Policies YH9C and Y1C – and the RSS Key Diagram have not been revoked, insofar as they relate to the Green Belt around York. These have a bearing on the question of whether or not it is necessary to demonstrate exceptional circumstances for the purposes of paragraphs 82 and 83 of the NPPF. For the Local Plan to be legally compliant, including in relation to the Green Belt boundaries proposed, it must be 'in general conformity with' the RSS¹.
4. In the light of all this, we consider below the need or otherwise for exceptional circumstances to be demonstrated for the purposes of paragraphs 82 and 83 of the NPPF, and also consider whether or not the Green Belt boundaries are in general conformity with the RSS. In coming to our conclusions, although we do not refer to all the specific representations made, we have had regard to all of the evidence that we have read and heard.

Whether the Local Plan establishes any new Green Belt

5. Paragraph 82 of the NPPF says:

¹ Pursuant to Section 24(1) of the Planning and Compulsory Purchase Act 2004

“The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions.”

It then continues to explain what a local planning authority should do if proposing a new Green Belt.

6. This paragraph notes the fact that the general extent of Green Belts is already established and then proceeds to provide national policy on the circumstances in which new Green Belts can be established, specifying the evidential requirements involved. The question, then, is whether this Local Plan seeks to establish a new Green Belt.

7. Policy YH9C of the RSS says that:

“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”.

Insofar as relevant here, Policy Y1C says:

“Plans, strategies, investment decisions and programmes for the York sub area should: ... In the city of York LDF, define the detailed boundaries of the outstanding sections² of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with Policy YH9C”.

The Key Diagram provides an illustration of these policies. A green dotted line encircling the city, which the key says relates to Policy YH9C is shown. A wider green ‘doughnut’ around the city is also shown. It expands outwards from the inner Green Belt boundary shown. The key labels it ‘general extent of Green Belt’ and refers to Policy YH9.

8. Read together, it is clear to us that these policies, combined with the Key Diagram and its key, establish the general extent of the Green Belt around York. Consequently, and in short, for the purposes of paragraph 82 of the NPPF, York is among the places across the country where the general extent of the Green Belt is already established. It follows, therefore, that by undertaking to set Green Belt boundaries, the Local Plan is not, as a matter of general principle, seeking to establish a new Green Belt.

² The term ‘outstanding sections’ is used in Policy Y1C because some sections of York’s outer Green Belt boundary have already been defined through the adopted development plans of neighbouring local authorities.

9. Some suggest that the inner and outer Green Belt boundaries proposed in the Local Plan are not in general conformity with the aforementioned RSS policies insofar as they establish the general extent of York's Green Belt because they either:
 - a. do not reflect the inner boundary or general extent of the Green Belt shown on the RSS Key Diagram (by the green dotted line and the green 'doughnut'); and/or
 - b. in relation to the outstanding sections of the outer boundary, are not "*about 6 miles from York city centre*", as required by RSS Policy Y1C.
10. As a general point, it is plain to us that the Key Diagram is a broad, schematic illustration of the RSS policies. The inner Green Belt boundary and the general extent of York's Green Belt illustrated on it is a graphic representation which symbolises the policy position set out in RSS Policies YH9C and Y1C. Moreover, there is nothing in the unrevoked parts of the RSS to indicate that York's inner and outer Green Belt boundaries should seek to replicate precisely the Key Diagram's illustrations. Indeed, Policies YH9C and Y1C specifically direct that the task of York's Green Belt boundary delineation should be undertaken through York's development plan.
11. However, that is not to say that the Key Diagram can be dismissed as a pure illustration that is of itself without meaning or consequence. If it were, then it would serve no purpose at all.
12. The Key Diagram shows the city of York in blue. This denotation is not simply an abstract 'blob', but rather it outlines the general built edge of the city. This is a point of significance, because it adds to the Key Diagram a level of specific detail. It is relevant here because the general extent of York's Green Belt does not run fully up to the built edge of the city. Instead it is shown as running up to the aforementioned green dotted line encircling it. Whilst the built outline of York is wholly contained within this ring, so too are areas that are outside the built area. These are areas that, on the Key Diagram, are neither within the existing built area of York nor within the general extent of the Green Belt. The detailed inner Green Belt boundary proposed through the Local Plan includes within the Green Belt some of these areas. This gives rise to the proposition that the Local Plan is therefore not in general conformity with the RSS and consequently proposes to establish new Green Belt.
13. We do not accept this. The green dotted line is explicitly linked to RSS Policy YH9C which requires that the detailed inner boundaries should be defined to safeguard the special and character and setting of the city. Put simply, the green dotted line leaves entirely open the question of where the detailed inner boundary should be drawn, so long as its

delineation safeguards the city's special character and setting. The fact that the general extent of the Green Belt stops at the dotted line does not alter this. As such, the Local Plan's proposed inclusion within the Green Belt of land which is not within the general extent of the Green Belt is, in principle, of no consequence to the general conformity question and does not lead to the establishment of new Green Belt.

14. With regard to Policy YH9C, we are not presently able to reach conclusions about whether or not the proposed detailed inner boundaries would safeguard the special character and setting of York, such that the Local Plan is in general conformity with Policy YH9C, and/or whether it is sound in this regard. This is because our examination has yet to reach the necessary level of scrutiny. That said, and given that we consider the proposed inner boundary to be in general conformity with the illustration shown on the RSS Key Diagram, it seems to us that this is a more finely-grained, detailed matter about the precise delineation of the proposed inner boundary. While it will remain necessary for the proposed inner boundary to be in general conformity with Policy YH9C, and for it to be sound, this is not a question of proposing any new Green Belt, as such. In the event that we were to conclude that the inner boundary is not in general conformity with Policy YH9C it is very likely that it would be possible for the Council to propose amendments to the boundary in order to ensure general conformity and that the plan does not lead to the establishment of new Green Belt.
15. Turning to the proposed detailed outer boundary and Policy Y1C, we note that parts of the outer Green Belt boundary proposed in the Local Plan may well exceed a distance of six miles from York city centre. However, Policy Y1C does not demand precision. It says "about 6 miles" (our emphasis) and does not stipulate any specific point within the city centre from which this distance should be measured. Consequently, general conformity with this policy limb is a matter of planning judgement.
16. The Green Belt Clarification Note helpfully considers this point in some detail, and shows six mile boundaries using St Sampson's Square and York city walls as the points of measurement. From this analysis, it appears that only some parts of the proposed outer boundary exceed six miles, and then by little more than a few miles or so at most, no matter which starting point is used. In our view, on the basis of the Green Belt Clarification Note, the degree of divergence involved is very limited.
17. Moreover, it is relevant to consider that the adopted development plans of Hambleton, Harrogate, Ryedale and Selby include Green Belt running up to York's administrative boundary that is explicitly 'York Green Belt'. These are tranches of Green Belt that exist

in order to achieve the aims of RSS policies in relation to York, and they define a significant proportion of York's outer Green Belt boundary. By and large, the remaining sections proposed through the Local Plan do not extend significantly further from the city than these, or diverge considerably from the broad 'depth' of the Green Belt formed by them.

18. As with the proposed detailed inner boundary, it is not possible for us to reach conclusions concerning the soundness of the outstanding sections of the proposed detailed outer boundary, as we have not yet considered them in sufficient detail through hearing sessions. However, we have reached the firm view that the proposed delineation of the detailed outer boundaries is in general conformity with the general extent of the Green Belt described by RSS Policy Y1C. The proposed detailed boundaries do not go so considerably beyond the distance of "about 6 miles from York city centre" so as to not conform with the general aim of RSS Policy Y1C. As such, as a matter of principle and for the purposes of paragraph 82 of the NPPF, we consider that the proposed detailed outer boundaries do not lead to the establishment of new Green Belt.

Whether the Local Plan alters any Green Belt boundaries

19. Among other things that are not directly relevant here, paragraph 83 of the NPPF says:

"Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan."

20. As discussed above, the RSS has already established the general extent of York's Green Belt. As a result, the City of York Council is an authority with Green Belt in its area.
21. Consistent with paragraph 83 of the NPPF, and in general conformity with RSS Policy Y1C, the Local Plan sets out to establish Green Belt boundaries. It is clear from paragraph 83 of the NPPF that it is "once established" (our emphasis) that Green Belt boundaries should only be altered in exceptional circumstances. Save for the outer boundaries within neighbouring authorities, York's Green Belt boundaries have not yet been established. This Local Plan seeks to establish them for the first time.
22. It is evident that the question of the need for exceptional circumstances is only engaged in respect of established Green Belt boundaries that are being altered. That is not the case here. Consequently, it is not necessary for the inner and outer Green Belt boundaries to be justified on the basis of the existence of exceptional circumstances for

the purposes of consistency with paragraph 83 of the NPPF – this ‘test’ does not fall to be considered.

23. We recognise that parts of the inner Green Belt boundary have been delineated specifically to exclude from the Green Belt land that is proposed in the Local Plan for development. Whether or not some of this land is within or outside the general extent of the Green Belt described by the policies and Key Diagram of the RSS is debateable. Other development sites that are wholly and obviously within the general extent of the Green Belt established through the RSS are also excluded from the Green Belt, as are some villages.
24. In short, the Local Plan proposes some ‘holes in’ or ‘bites out of’ the Green Belt that are not shown on the RSS Key Diagram or required by Policies YH9C and Y1C. The Green Belt proposed by the Local Plan is, therefore, different to the general extent of the Green Belt established in the RSS in this respect. This leads to the question of whether, because of the differences, the Local Plan is proposing to alter Green Belt boundaries.
25. For the reasons given in the preceding paragraphs, we are of the firm view that the Local Plan is not proposing to alter any Green Belt boundaries. The general extent of the Green Belt shown on the Key Diagram is a schematic illustration of the RSS policies concerned. It includes no such boundaries and, as already mentioned, the RSS explicitly requires the task of Green Belt boundary delineation to be undertaken through the development plan. There is nothing in the RSS policies to prevent the delineation of Green Belt boundaries for the purpose of allocating land for development or for ‘insetting’ existing villages. These are matters on which the unrevoked RSS policies are silent. In this regard, therefore, we consider the Local Plan to be in general conformity with the RSS.
26. Moreover, it is apparent that the NPPF allows for ‘holes’ in or ‘bites out of’ the Green Belt when establishing Green Belt boundaries, including when so doing for the first time as is the case here. It says that Green Belt boundaries should be drawn so as to:
- a) “... set the framework for Green Belt and settlement policy” (our emphasis) (paragraph 83);
 - b) “... take account of the need to promote sustainable patterns of development” (paragraph 84);
 - c) “... ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development.” (paragraph 85); and

d) include villages within the Green Belt where “... *it is necessary to prevent development ... primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt*” (paragraph 86) and to exclude from the Green Belt villages where “... *the character of the village needs to be protected for other reasons*” (also paragraph 86).

27. It seems to us reasonable to suppose that any exercise of drawing up Green Belt boundaries to achieve these aims is likely to mean excluding from the Green Belt land which might otherwise be included within it. It is a possible outcome and, as such, it is one which the NPPF permits, or at the very least does not prevent.

28. Achieving these aims is precisely what the Council has sought to do. It has drawn up Green Belt boundaries having regard to what it considers to be a sustainable pattern of development in order to set the framework for Green Belt and settlement policy, and to ‘inset’ villages in line with paragraph 86 of the NPPF. We are currently unable to conclude one way or the other in relation to the soundness of the pattern of development proposed, or the justification for excluding and including villages with the Green Belt, as we have yet to scrutinise specific land parcels, sites and villages in sufficient detail. Nevertheless, in our view, the approach taken by the Council is consistent with the NPPF in principle and, critical to the question here, does not lead to the alteration of any Green Belt boundaries.

29. We note the Council’s position on this point. Simply and shortly put, it says that the approach taken has been, in effect, to first consider where the inner and outer Green Belt boundaries should be, and then to alter them – and to introduce other boundaries around proposed development sites – in order to allocate land for development. But Green Belt boundaries are not brought into existence during the plan making process, as this stance implies. Green Belt boundaries can only exist once the development plan policies bringing them about are adopted. There has, therefore, been no alteration to Green Belt boundaries through the process of producing the Local Plan because that is not possible – one cannot alter specific boundaries which are yet to exist.

Conclusions

30. In the light of the above, we consider that this Local Plan neither seeks to establish new Green Belt nor proposes to alter established Green Belt boundaries. We therefore conclude that for the purposes of consistency with national planning policy, it is not necessary for any of the Green Belt boundaries proposed in the Local Plan to be justified by the existence of exceptional circumstances. We also conclude that, with the caveats

regarding the need for further detailed scrutiny set out above, the Green Belt boundaries proposed are, as a matter of broad principle at least, in general conformity with the RSS. It will, of course, remain necessary for them to be found to be consistent with the NPPF, and sound overall.

The evidence underpinning the approach taken to the Green Belt

31. The Council's *Topic Paper 1: Approach to defining York's Green Belt* (May 2018) [TP001] ('the Topic Paper') and the *Topic Paper Addendum* (March 2019) [Ex/CYC/18] ('the Addendum') explain how the Council has gone about delineating the detailed Green Belt boundaries proposed, and this question was a focus for discussion at the hearing sessions last December. The approach taken is far from straightforward. That is not necessarily a problem or a criticism in itself. However, it does seem to us that a simpler methodology could have avoided some of the concerns we have.
32. Indeed, we should say that the level of complexity and intricacy of the methodology used is such that it is possible, even at this stage, that we have misunderstood elements of it. In the following paragraphs, we set out our understanding of the approach. If it is apparent that there is any misunderstanding on our part, then we ask the Council to bring this to our attention and explain where and what we have misconstrued.

'Drivers and shapers'

33. The Topic Paper describes 'drivers' and 'shapers'. Put simply, these are the key factors that have influenced both the spatial distribution of new development and the demarcation of the Green Belt boundaries. Setting Green Belt boundaries in line with the proposed Local Plan spatial strategy is wholly consistent with the NPPF. It says that Green Belt boundaries should be drawn so as to:
- e) *"... set the framework for Green Belt and settlement policy"* (our emphasis) (paragraph 83);
 - f) *"... take account of the need to promote sustainable patterns of development"* (paragraph 84);
 - g) *"... ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development."* (paragraph 85); and
 - h) include villages within the Green Belt where *"... it is necessary to prevent development ... primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt"* (paragraph 86) and

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to exclude from the Green Belt villages where “... *the character of the village needs to be protected for other reasons*” (also paragraph 86).

As such, taking account of the ‘drivers’ identified – in essence, the need for development and its proposed distribution – is a legitimate and justified approach.

34. It is the ‘shapers’ that lie at the heart of our concerns. These include:

- a) York’s unique characteristics;
- b) the special character and setting of the historic city;
- c) safeguarding areas of open space and areas of nature conservation value;
- d) safeguarding green corridors and areas with an important recreation function;
- e) ensuring accessibility to sustainable modes of transport and a range of services;
- f) preventing unacceptable levels of congestion and pollution;
- g) ensuring flood risk is appropriately managed; and
- h) promoting sustainable forms of development.

35. We do not doubt that these ‘shapers’ are important factors to be taken into account though the plan making process, particularly when deciding where new development should be located. However, on the face of it, a number of them are of little direct relevance to Green Belt policy. As an example, we are struggling to see why issues relating to air quality and flood risk should have any bearing on the delineation of Green Belt boundaries – there is no obvious connection between these factors and the purposes of including land in the Green Belt. While there is clear justification for the ‘shapers’ to guide the location of new development, that is not necessarily the same thing as setting Green Belt boundaries. The issue, then, is precisely how the ‘shapers’ have influenced the detailed delineation of the Green Belt boundaries proposed.

How the purposes of including land in the Green Belt have been considered

36. The Addendum sets out how the Local Plan has defined land which needs to be kept permanently open in terms of the five purposes given in paragraph 80 of the NPPF for including land in the Green Belt. Each purpose is considered to one degree or another. Emphasis is placed on the fourth purpose, “*to preserve the setting and special character of historic towns*”. In the context of York, that strikes us as appropriate.

37. With the exception of the fifth purpose in paragraph 80 of the NPPF, a map is produced showing the parcels of land associated with each of the purposes of including land in the

Green Belt. However, the map relating to the fourth purpose identifies only the areas that are most important. Paragraph 4.17 of the Addendum says *“areas not identified on the appraisal map may still be important to the historic character and setting [of York] ...”*. This is an area of potential weakness in the evidence.

38. The analysis and consequent mapping in relation to the first purpose – being *“to check the unrestricted sprawl of large built-up areas”* – relies on the proximity of land to shops and other services. Land which does not have access to two or more services within 800 metres is regarded as land that should be kept permanently open as Green Belt. But just because a parcel of land is not conveniently located in relation to two services does not necessarily mean that developing it would lead to unrestricted sprawl. It seems to us that this is an erroneous conflation of the ‘shaper’ that is about ‘promoting sustainable forms of development’ and this Green Belt purpose. Using the one as some sort of proxy for the other is not justified. While there may be some correlation, the former is not an adequately conclusive indication of the latter and is not, in isolation, a sufficiently robust basis on which to found the Green Belt boundaries proposed.
39. Purpose two – *“to prevent neighbouring towns merging into one another”* – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says *“the potential issue of towns merging does not arise”*. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt. Whilst maybe an academic point in terms of overall outcome, this is an error that does little to reassure us about the rigour of the exercise.
40. Perhaps our most fundamental concern is in relation to the assessment against purpose three – *“to assist in safeguarding the countryside from encroachment”*. From both the Topic Paper and the Addendum, it is apparent that the following types of land have been identified as areas that should remain permanently open in relation to this Green Belt purpose:
- a) Nature conservation sites;
 - b) Existing open space;
 - c) Green infrastructure corridors; and
 - d) Ancient woodland.

41. Paragraph 4.37 of the Addendum suggests that these areas “*form important features of the open countryside*”. That may well be true in some cases. But it is evident that the presence of any one of these features is not an indication in itself that the land it occupies is inevitably ‘countryside’, let alone countryside that would be encroached into if it were to be developed. One need only look at the resultant map – Figure 6 of the Addendum – for an illustration of the mis-match. Much of the city itself is identified as one or the other of these features. We accept that there may be good reasons for preventing development on these areas. But, in broad, general terms at least, it is obvious to us that safeguarding the countryside from encroachment is not among them.
42. It seems to us that again there has been a conflation of two different things – this time between the Green Belt purpose of safeguarding the countryside from encroachment and the ‘shapers’ described as ‘safeguarding areas of open space and areas of nature conservation value’ and ‘safeguarding green corridors and areas with an important recreation function’. Again, we are of the firm view that, in isolation, the Council’s assessment of the ‘shapers’ is not a robust or justified substitute for a proper analysis of the degree to which land performs the Green Belt purpose in question.
43. Figure 7 of the Addendum is a composite map. It shows the land identified by the Council as being the most strategically important to keep permanently open as a result of its analysis in respect of the five purposes of including land in the Green Belt. This includes all of the land shown in the aforementioned Figure 6.
44. There is a clear and significant difference between the land identified on Figure 7 and the delineation of the Green Belt boundaries proposed through the Local Plan and illustrated on the Policies Map. This is perhaps telling, and given our views set out above it may be a positive indication that appropriate planning judgement has been applied to the analysis. As we understand it, the differences arise as a result of the detailed ‘local assessments’ that have informed the Green Belt boundary demarcation exercise. The question, then, is whether these ‘local assessments’ overcome our concerns.

The ‘local assessments’

45. The Addendum describes the methodology for these ‘local assessments’. The inner and outer boundaries are sub-divided and analysed on a section by section basis against a number of ‘openness criteria’ set out in the box at paragraph 5.27. These criteria sit under two headings – ‘strategic assessment’ and ‘local assessment’. The strategic criteria purport to relate to the purposes of including land in the Green Belt, but actually

include consideration of the factors such as access to services, whether the land is a nature conservation site, and other matters we have discussed above.

46. The local criteria include assessing whether the land protects historic assets (that is, whether it is in a Conservation Area, whether there are any listed buildings or scheduled monuments on it, among other things) and whether it serves a countryside function on the urban fringe (including analysis of landscape character and the type of open space it is identified as, again among other factors). This adds to our distinct sense of unease.
47. It is difficult to see how, for example, the presence or absence of a listed building on a parcel of land is relevant to the question of whether or not it should be within or outside the Green Belt boundary. We acknowledge that there may be cases where this could be pertinent to the Green Belt purpose of “*preserving the setting and special character of historic towns*”. However, on the whole, it seems unlikely that the presence of such features would have a significant influence. The problem here, again, is that the assessment criteria do not have a clear and unequivocal connection to the Green Belt purposes.

Overall

48. Given our views set out above, 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.
49. We are not currently in a position to conclude on the soundness of the Local Plan in relation to this issue. This is because we have not scrutinised the Green Belt boundaries proposed in detail through hearing sessions. As such, we are currently unclear about precisely how, or the extent to which, the flawed elements of the methodology have influenced the outcome. As a consequence, we cannot presently tell whether the Green Belt boundaries proposed in the Local Plan are sound. However, we have concerns that they may not be because of the shortcomings of the methodology.
50. There were brief discussions at the hearings about the Council’s detailed assessments, which are set out in a number of annexes to the Addendum. Within each, the Green Belt boundaries considered by the Council are analysed section by section. Unsurprisingly, but nonetheless worryingly, the analysis clearly includes those aspects of

the methodology which we consider to be unjustified. However, it also includes for each section of Green Belt some commentary about the land in question. The issue, then, it seems to us, is whether this more in depth, discursive evaluation provides an adequately robust rationale to support the proposed boundaries in spite of the methodological flaws and leads, ultimately, to boundaries that are reasonable and justified. At this stage, because we have not as yet explored the matter fully at hearings, we cannot rule out the possibility that this element of the assessments makes the direct link needed to the purposes of including land in the Green Belt.

51. We should say that, at a brief glance, the likelihood of this appears slim. At the hearings, our attention was drawn to a number of examples in the annexes where the Green Belt boundaries proposed appear, on the face of it, to be wholly illogical. From Annex 3 (March 2019) [Ex/CYC/18d], which relates to the proposed inner boundary, we particularly note that boundaries 13 and 14 (pages 401 to 403, and pages 404 to 406 respectively) appear to define the Green Belt boundary through a built up area.
52. For the avoidance of any doubt, we make no judgement here in respect of these particular examples, as we have not considered them in the necessary detail at hearing sessions. Nonetheless, at face value, these boundaries do not instil in us any large measure of confidence – we would have concerns if these were indicative of the Green Belt assessment’s outcomes.

Potential options for the way forward

53. It seems to us that there are several potentially realistic options open to the Council:
- 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.

There may be other options, and if the Council wishes to follow an entirely different path then we ask that you contact us as soon as possible. We will do all we can to assist, and we will be happy to provide any advice that we are able, although you will appreciate the restricted nature of our role.

54. 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.

55. 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.

56. We recognise that much work has been undertaken by the Council in relation to the Green Belt, among other things, and that our views set out above will come as a significant disappointment. Whatever option the Council chooses, rest assured that we will do all we are able to assist. We fully recognise the pressing need for the Council to put in place a sound local plan as soon as possible, and we stand ready to help in any way we can.

The impact of coronavirus (Covid-19) on the examination

At this difficult time, and in the light of the Government's announcements, it is difficult to say when face to face local plan hearing sessions may be able to resume, but it seems unlikely that this will happen any time soon.

We will continue to monitor the situation and the advice provided by the Government and the Planning Inspectorate, and we ask that the Council does the same. Assuming, for

present purposes, that the Council's choice concerning the way forward is one that would involve Phase 2 hearings taking place, we ask that you liaise closely with us in relation to the form and timing of those hearings. It may be that in order to make progress, 'virtual hearings' – using a video conferencing application such as Microsoft Teams or Zoom – might be possible and appropriate. This is an option that should be explored, and to that end we ask that you get in touch. Whatever form any future hearings take, we will give careful consideration to the point at which it would be appropriate for us to issue our Matters, Issues and Questions and when it would be appropriate to invite hearing statements from participants. Once it is clear to us that virtual hearings can take place, or that it would be safe to proceed with some form of face to face hearings, we will ask that the necessary arrangements are made, and we will issue a timetable at that point.

This is a very fluid situation with advice being kept under continuous review. As mentioned above, the Planning Inspectorate publishes advice about Covid-19 in relation to local plan examinations. Here is a link to it: <https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance>. This will be updated as the situation changes, and our decision about when and how to proceed will take this advice into account.

In the meantime, please ensure that a copy of this letter is placed on the examination webpage.

Yours sincerely

Simon Berkeley and *Andrew McCormack*

Inspectors