

## Examination of the City of York Local Plan

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Neil Ferris  
Director of Economy and Place  
City of York Council

By email only

18 December 2020

Dear Mr Ferris

### Examination of the City of York Local Plan

1. A year has now passed since we held 'Phase 1' hearings in December 2019. These initial hearings 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. As a result of those hearings, in our letter to the Council dated 12 June 2020 [EX/INS/15] we set out a number of matters including where we had queries and concerns. In particular, these related to the evidence underpinning the Council's approach to the Green Belt within the Plan.
2. Since then, we are aware that the Council has been undertaking further work on its Green Belt assessment methodology and on providing an update to, amongst other things, the *Topic Paper 1: Approach to defining York's Green Belt (May 2018)* [TP001] and the *Topic Paper Addendum (March 2019)* [Ex/CYC/18]. We also note the Council's assurances over recent months that this work has been ongoing and will be completed and submitted to the Examination.
3. However, as of today, we are yet to receive this additional work. Whilst we recognise the difficulties and challenges which have faced the Council during this year, indicative target dates for submission of the updated Addendum (e.g. early November and early-mid December) were identified by the Council in its responses to us over recent months. Notwithstanding this, the additional Green Belt work remains unsubmitted.

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4. The Local Plan was submitted for examination in May 2018. Given the time that has now passed since submission and since much of the evidence supporting it was undertaken and produced (e.g. the *Strategic Housing Market Assessment 2016* [SD050] and *Update 2017* [SD051]; the *Affordable Housing Viability Study 2010* [SD056] and *Update 2011* [SD057]; the *Employment Land Review 2016* [SD063] and *Update 2017* [SD064] and the *Retail Study Update 2014* [SD065]), it is important for the examination to make swift progress in order to avoid a circumstance whereby elements of evidence lose their currency, or become unduly time-limited<sup>1</sup>.
5. In our letter (12 June 2020) we set out three principal options for the Council to consider as a way forward regarding Green Belt matters following the Phase 1 hearings. These were:
  - a) to convincingly explain to us how we have misunderstood the Green Belt assessment 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.
6. At present, taking into consideration the cumulative significance of potential changes to the Plan, if this examination were to proceed, we cannot guarantee that the Council would not be required to undertake further, more specific elements of work and to consult on that work along with other additional updated evidence that is yet to be submitted. As such, there would also be a need for many more protracted, detailed and lengthy hearings to take place in order to scrutinise this evidence. Potentially, this may also require a return to some of the matters and issues considered during the Phase 1 hearings held last year. In addition, further amendments and proposed modifications to the submitted Plan may also be required thereafter.
7. We are also mindful that in the current circumstances relating to Covid-19 there may well be further challenges involved in moving the examination forward swiftly and practicably. In this respect, whilst we have no doubt that the Council is fully prepared and able to adapt and undertake future hearings appropriately in this new context, the Council is yet to respond to our letter of 13 October 2020 [EX/INS/17] on these matters.

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<sup>1</sup> With reference to Paragraph 1.11 of the Planning Inspectorate's Procedural Guide for Local Plan Examinations.

8. The difficulty we find with progressing this examination in a timely manner is that much rests on the elements of the Green Belt boundary work that we have thus far not examined through hearings nor indeed seen in terms of the additional work awaited. We therefore remain unable to say whether pursuing options a) or b) above are realistic or indeed now timely propositions likely to result in a positive outcome. However, given our view about the Green Belt methodology and the necessary in depth scrutiny of it, we reiterate that option b) should only be pursued if the Council is confident that the local assessments overcome the shortcomings we have identified in the methodology.
9. As you are aware, 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 would be significant and is essentially plan preparation work. There would also 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 the Council to undertake this work and for us to examine it, including the necessary public consultation, we continue not to advocate taking such a path as part of the current examination.
10. Whilst we acknowledge that it is not always possible and practicable, it is always highly desirable that the examination is brought to completion in relatively short order. If swift and meaningful progress cannot be made in the respects that we have set out above, it is very likely that the objective of getting an up-to-date Local Plan for York in place is not best served by prolonging this examination. On that basis, it may be that withdrawal of the submitted Plan and proceeding to examination with a fresh Plan is the most appropriate way forward.
11. We recognise the difficulties associated with replacing such a fundamental element of the Local Plan's evidence base and the other matters we have raised concerning the production of updated evidence and the lengthy timescale of the examination moving forward as a consequence. In light of this, we consider that these matters point to a reduced likelihood of adopting a truly up to date development plan for York. As such, we ask the Council to now give serious consideration to the possible withdrawal of the submitted Plan. This would enable the Council to undertake the required work alongside any necessary updating of other aspects of the evidence base outside the examination process.

12. Moreover, given the passage of time, and noting the indicated target dates that the Council has set and missed for the additional work to be submitted, we are coming to the view that this approach would be a more efficient and practical way for the Council to proceed.
13. We welcome the Council's view on these matters as soon as possible. To that end, we require the Council to provide a written response to us setting out a clear indication of its position and intentions. This is to be provided by **12noon on Friday 15 January 2021**. We acknowledge that this timescale is short and that elected Members may need to be consulted. Nonetheless, a swift and clear indication of the Council's thinking would be appreciated, even if this were to be subject to subsequent formal Council consideration and approval as necessary.
14. 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