

City of York Council

Examination of the City of York Local Plan 2017-2033

Matters, Issues and Questions for the Examination - Phase 2 Hearings

Comments on Matter 7 MIQs.

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(RESPONDENT REF: 833 COMBINED)

Hearing Statement

Matter 7 Phase 2 Hearings – Approach to setting greenbelt boundaries.

1.0 Introduction.

- 1.1 I initially submitted my substantive response to the submitted Local Plan on 04.04.2018 with six appendices each containing material relied upon to support that response together with 5 annexed bundles of documents referenced in that response.
- 1.2 A further response to the Proposed Modifications Consultation was made in June 2019 and to the further Consultation 07.07.2021. This last response appended a document dated 12.06.2020 titled '*Note on concerns arising from the Inspectors decision that the Local Plan Greenbelt Proposals are in general conformity with the RSS Policy*'.
- 1.3 I rely on the issues raised in those Responses in so far as they are relevant to the questions raised by the Inspectors in respect of Matter 7.
- 1.4 In this paper I highlight some matters addressed in the Responses which are relevant to the Inspectors' questions, but this does not reduce the appropriate weight which should be given to the Response and is merely intended to provide a point of reference to the issue so highlighted.

Question 7.1 a)

- 1.5 Part a) of the question asks how have the boundaries been arrived at. My answer is simply that the LPA adopted the boundaries proposed in the 1998 Local Plan Proposals Map subject to minor adjustments which are occasioned by intervening planning consents for development.
- 1.6 This point is most easily observed by overlaying the 1998 and 2018 Proposal Maps, which are prepared to the same scale and almost the same areas (the maps being divided into north and south). The outer boundary is the most similar with barely any difference. It is the inner boundary that is adjusted by permissions granted after 1998.
- 1.7 It then needs to be noted that the 1998 Proposals were based on the outcome of the York Green Belt Local Plan process of 1990. It was a positive decision to maintain the same boundaries by the LPA in 1998 because in doing so the regulatory regime that applied ensured that objections made to the 1990 Plan could not then be made in respect of the 1998 proposals. This is evidenced by the extract of the 1998 Local Plan at page 602 et sequi of my Annexe III ix.
- 1.8 The 1998 proposals failed to be endorsed by the Plan Inspectors because the green belt proposals were considered unacceptable. Neither the 1990 nor the 1998 Local Plans were evidenced based.

1.9 It is important an distinction between the 1990 and 1998 processes on the one hand and that applicable to the current proposals, that the 1990 and 1998 Plans did not have to be evidenced based or assessed as being sound as is required in this process. Given that distinction it seems beyond reality that an evidenced base approach would produce an almost identical outcome that was justified.

1.10 The evidence claimed by the LPA to support these proposals at the date of the Plans submission was a 2003 document '*Approach to Green Belt Appraisal*' which was accompanied by Maps. This document was presented in the 1998 Local Plan process in an attempt to facilitate its progress. It was as such an attempt to justify the 1998 proposals as a long term Greenbelt, not a piece of evidence from which an outcome could be deduced. That approach was not embraced by the Inspectors and did not achieve their approval for that purpose. The other is a document described as a technical paper in 2013 which intends to address the setting of the historic City. These documents are not related to any proposals to determine boundaries, they are both aimed at justifying the 1990 Proposals in the form they then took and being relied upon as appropriate boundaries. So, the Plan was not based on proportionate and appropriate evidence, in fact was not based on evidence at all.

1.11 If the LPA's position is that the material produced subsequent to the Phase 1 Hearings is evidence that justifies the Plan Proposals, that lacks credibility as set out at 1.9 above. How could unevidenced proposals produce a result which was identical to the outcome of an evidenced based approach conceived many years later within a changed policy framework both as to the general extent and in wider national policy. If it did the material would be at least in two distinct parts – firstly the evidence and secondly an appraisal which related that evidence and the policy to the proposed outcome.

1.12 The 1990 proposals were produced:

- Against a different overarching policy of the NYCC Structure Plan from 1980, a policy which did not identify a primary purpose for the Greenbelt,
- Against the Greater York Study which was a political accord to distribute development between various Authorities having a slice of the greenbelt's general extent,
- Against National Policy that had not as its purpose to promote sustainable development, and
- Was not subject to an assessment of soundness but to Public Inquiry limited to addressing individual objections.

1.13 So, with that background had the LPA:

- Applied the different RSS policy of 2008
- Produced an appropriate and proportionate evidence base

- Had regard to National Policy including Para. 84 of the NPPF 2012
- Considered alternative approaches such as starting a search for defensible boundaries from a 6-mile radius of the central Tower of the Minster (the City Centre position used in the 1990 process) and a total extent of 50,000 acres,

Would it have led to the same conclusion as was proposed in the 1990 circumstances? This is a question for this Examination and the Inspectors' inquisitorial duty.

1.14 Where is the evidence of the alternative approaches and those would also have to have been the subject of debate in the Duty to Co-operate process?

1.15 There is no evidence of a process after 2008 (when the revised form of policy relating to the general extent came into effect) that the LPA walked away from their earlier Proposals of 1998 and reconsidered the approach afresh and against the new policy background with the benefit of an evidence base. This should have happened and if it had, there would be records of reports, meetings, and decisions in that process. There are none.

Question 7.1 b)

1.16 Because it is patently clear that the boundaries proposed are those taken from an earlier unadopted plan the answer to the question relating to the influence of heritage assets and environmental designations on the outcome must be 'none'.

1.17 I accept because of the location it is easy to compile post-submission justifications based on these issues. The LPA can come up with matters that serve as examples to justify a boundary but to do would not be demonstrable as having occurred in the process between 2008 and 2018 when the Plan was submitted. The evidenced that is relied on must be shown to exist and been considered in respect of the determination of the boundaries prior to submission of the Plan. Because such considerations were simply never made in this Plan process, the LPA's evidence does not indicate its prior existence and consideration. The Plan in this important respect is not evidenced based.

Question 7.1 c)

1.18 There was no evidence-based analysis prior to submission and what is now produced is not evidence followed by analysis, it is post submission justification woven around convenient circumstances intended to give it credibility.

Question 7.1 d)

1.19 Because the proposals are based on the 1990 proposals, there is and was no consideration of sustainability involved in the process. The SA supporting the Plan addresses the consequences of the development proposals but does not address the designation of greenbelt boundaries or the application of National Policy at Para. 84. These matters are simply not mentioned in the SA let alone assessed.

Question 7.1 e)

1.20 There has been a comprehensive rejection of the policy in para 84 as the LPA have sought to contrive that the greenbelt purpose related to coalescence with neighbouring towns can be applied to settlements of a lower order adjacent to the City. This derives from a view of the LPA as to how the former policy might have been applied and was articulated in the 2003 paper. That element of the former policy was not incorporated into the RSS version in 2008. However, as I have stated in submissions, there is/was specific overarching policy where this approach was applied at Oxford and Cambridge, but the Minister/Secretary of State never approved a similar policy for York. Nor, in the case of York was there any suggestion that the inner boundary should be tight to the existing urban core. Again, limits to the scale of the expansion were identified at Oxford and Cambridge, being the other two Cities where greenbelts had as their primary purpose to protect the setting and character. No such issue was considered relevant to York as is seen in the Government Booklets – Green Belts – my Annexe exhibit I iv pages 181 and 186, and unlike Cambridge no mention is made of the outlying villages.

Question 7.1 f)

1.21 My view is, that the Proposals simply fail to seize the opportunity, but the 1990 proposals did not address this objective and so the Proposals of this Plan fail to do so in consequence.

Question 7.3

1.22 For the reasons encompassed by my Responses in this process, my conclusion is that the proposals fail to be justified, effective or consistent with National Policy.

1.23 The greenbelt proposals are unsound, and the issue is the very core of the Plan and the issue of soundness that the whole plan in consequence fails the test.

George E Wright. March 2022