

# EXAMINATION INTO THE SOUNDNESS OF THE CITY OF YORK LOCAL PLAN

**Inspector Simon Berkeley (BA MA MRTPI) and  
Inspector Andrew McCormack (BSc(Hons) MRTPI)**

## **Inspectors' responses to comments/queries made on Phase 1 MIQs**

### **Historic England**

We agree with Historic England's comment that under Matter 3 there should be a question(s) which more explicitly addresses the Regional Strategy for Yorkshire and the Humber. We will add a question accordingly.

### **Carter Jonas**

We note the comment about the difficulty of dealing with the issues listed under Matter 2 within a statement of 3,000 words. The aim of the word limit is to ensure that all parties produce concise evidence that is concise, to the point and not repetitious – for example, we do not need statements to repeat national or local planning policy, references will suffice. That said, we will not be counting the number of words used, so long as the general principle of concision is adhered to. We suggest that main statements should cover all of the ground necessary and should be within the 'ball park' of 3,000 words, and that any more detailed supplementary evidence be produced as appendices (with references to the most crucial parts clearly referred to in the main statement).

### **Johnson Mowat**

We note the request for an additional question concerning the 'detached approach'. This is, at least in part, the focus of Question 3.7 d). We therefore consider it unnecessary to introduce a new question. However, for the sake of clarity, we will add further detail to Question 3.7 d) to highlight the issue raised.

### **George Wright**

It is sometimes difficult to identify precisely where within the agenda is best to take points from representors at hearings – this is a case in point. Having re-looked at Mr Wright's representation, it is our view that his points go to both Matters 1 and 3. We would therefore suggest that he should attend for Matter 1 on 10 December. As for Matter 3, we agree that Mr Wright's arguments probably fit best with Questions 3.2 to 3.5 ('The approach to defining Green Belt boundaries'). We therefore suggest that he attends on Tuesday 17 December. If, in the event, it transpires that the points he wishes to raise do not sit well with the direction of discussion, then we would invite Mr Wright to also attend on the following day, Wednesday 18 December.

### **Andy Bell**

Mr Bell's query refers to paragraph 144 (and by implication paragraph 143) of the NPPF 2019. These paragraphs introduce a test based around the concept of 'very special circumstances'. It is this test which Mr Bell refers. However, these paragraphs relate to planning applications and do not relate to the examination of Local Plans. The test we must apply through the examination is set out in paragraph 83 of the NPPF 2012, which says that "Once established, Green Belt boundaries should

only be altered in exceptional circumstances, through the preparation or review of the Local Plan". So the question for us is one of the existence or otherwise of 'exceptional circumstances' rather than 'very special circumstances'. Paragraph 83 of the NPPF 2012 does not include any reference to 'other considerations' – it is not part of the 'exceptional circumstances' test. To include reference to 'other considerations' as suggested would be to apply the wrong part of national policy.

## **Quod**

We confirm that the reference in Question 2.3 to the PPG (under the heading 'Methodology: assessing housing need') is a reference to the guidance published on 20 March 2015. We note the point about the projections used as the basis for identifying the OAN. The robustness of the work underpinning the OAN identified by the Council is the focus of Questions 2.2 and 2.3 of our Matters, Issues and Questions, and we fully expect evidence relating to the projections used to be adduced in response to these. That said, in the light of Quod's comment, we agree it would be beneficial to include a question that specifically asks about the justification for the projections relied on by the Council, and we will add a question accordingly.

## **Defence Infrastructure Organisation**

### **Point 1:**

The concerns of the DIO regarding time allocated for the identified Matters at the Hearing sessions are noted. There is scope within the published Hearing timetable for some flexibility in the time allocated to particular Matters. As such, we (the Inspectors) will make a determination based on the progress made on the day in dealing with the Matters that have been identified. If it proves necessary, in the event, discussion will be concluded on the Reserve Day and we ask that parties be ready for such an eventuality.

### **Point 2:**

The purpose of Question 1.7, and indeed all questions under Matter 1, is to explore whether the plan, as a whole, is legally compliant. Whilst discussion put forward may relate to more site-specific arguments, it is important to make clear that, at this stage, any such site-specific matters are not for detailed consideration in these initial Phase 1 Hearings. The DIO has referenced Questions 1.7 and 2.9(e) in the MIQs which relate to the Sustainability Appraisal (SA). We are happy for relevant points on the SA to be made under each of these questions.

### **Point 3:**

We note the apparent difficulty of dealing with the issues listed under Matters 2 and 3 within a statement of 3,000 words for each Matter. As already stated in response to other parties, the aim of the word limit is to ensure that all parties produce evidence that is concise, to the point and not repetitious - for example, we do not need statements to repeat national or local planning policy, references will suffice. That said, we will not be counting the number of words used, so long as the general principle of concision is adhered to. It is suggested that main statements should cover all of the ground necessary and should be within the 'ball park' of 3,000 words, and that any more detailed supplementary evidence be produced as appendices (with references to the most crucial parts clearly referred to in the main statement). The Inspectors are not inclined to 'split' the identified Matters set out in the MIQs at this stage.

## **Natural England**

The comments and position of Natural England are noted and welcomed.

## Conclusion

As a result of these responses, we have made some amendments to the MIQs which we published in October. The revised version of the MIQs (document EX/INS/11) is available on the examination webpage and a brief summary of the revisions/amendments made is set out for you below.

**Parties who intend to submit Statements should make themselves aware of the changes to the referencing of some of the questions in the revised MIQs. We appreciate that these changes have come quite late in the day. However, it should be made known (published) that, where at all possible, it would be incredibly helpful to us as Inspectors - and all other participants - if parties used the references set out in the revised MIQs in their submitted Statements.**

### Schedule of changes to MIQs:

- **Insertion of 'new' Question 2.3 (a):** this relates to the justification of the projections relied upon by the Council. Respondents should note that the subsequent questions under 2.3 are now referenced (b) – (f).
- **Insertion of 'new' Question 3.2 (a):** this relates to conformity with the Regional Spatial Strategy. Respondents should note that the subsequent questions under 3.2 are now referenced (b) – (d).
- **Further detail given to Question 3.7(d):** this relates to particular Green Belt purposes. Also, **Insertion of 'new' Question 3.7(e):** this relates to general conformity with the RSS Policy Y1. Respondents should note the revised references to the subsequent questions under 3.7 as a result of these amendments, now (a) – (f).