

City of York Council

Examination of the City of York Local Plan 2017-2033

Matters, Issues and Questions for the Examination - Phase 1 Hearings

Comments on Matter 3 of MIQs.

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(RESPONDENT REF: 833 COMBINED)

In association with

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**Examination of the City of York Local Plan 2017-2033. Statement on M1Qs - Phase 1
Hearings Matter 3 - Green Belt.**

This Statement is made by George E Wright MA MRTPI within the terms of matters raised in his response to the Consultation of the 04.04.2018 (Ref:833 Combined) and the Response to the Proposed Modifications Consultation, June 2019. The Statement has been prepared in association with Jennifer Hubbard BA(Hons) Town and Country Planning .

Principles.

1. **Inspectors Q.3.1.** The main question raised in the M1Qs is whether the proposed Green Belt is a new green belt or not.
2. My response is that the Plan proposes new green belt because the proposals either create:
 - a) a new Green Belt in its entirety, which is intended to be in place of that proposed in general extent by the Partial Revocation Order 2013 (PRO), or
 - b) Two new areas of Green Belt, additional to the general extent established by the PRO, being one area beyond the outer boundary of the PRO policy and another area within the inner boundary of the PRO.

Preliminary Factual Considerations.

3. I refer to my Summary Statement of Key Issues and to the 3 Key Diagrams attached to it for ease of reference, being:
 - The Key Diagram to the 1980 County Structure Plan, which first established the general extent of the YGB.

- The Key Diagram to the 1995 County Structure Plan, and
 - The Key Diagram to the RSS of 2008.
4. The 1980 Key Diagram, was in respect of the YGB, prescribed by the Examination Panel and endorsed by the Secretary of State. There are 3 aspects which this KD displays:
- Firstly, it has an outer ring at 6 miles. Clearly a ring without any deviation, and
 - Secondly, that ring does not extend to the River Derwent (identified by the thick black line of the County Boundary).
 - Thirdly, the general extent is demonstrably within the outer ring road and up to the urban core.
5. The 1995 KD relates to the same policies (E8 & E8a) as the 1980 KD. There is no alteration to the policy on outer boundary, yet the Key Diagram shows the general extent at more irregular shape and going to the County Boundary.
6. The 2008 KD is clearly a circle but it could be argued that circle is not based on a centre at the City Centre. The inner extent is not shown tight up to the urban core and is, at least in places, shown on or beyond the outer ring road.
7. I attach a plan taken from the LPA's Topic Paper 1 which shows the full extent of the YGB as opposed to those areas proposed within the District. I have imposed upon the Plan :
- A black line depicting a radius of 6 miles from the City Centre,
 - An area coloured pink which is green belt proposed in the plan but beyond the 6-mile radius, and
 - A red line which I consider replicates the inner boundary of the general extent from the RSS Key Diagram.

8. In my opinion the 1995 Key Diagram is seeking to reproduce the 1990/91 NYCC York Green Belt Local Plan proposal. That is patently at odds and not in conformity with the 1980 strategic policy or 1980 KD or the 1995 strategic policy it is intending to indicate. This appears on its face to be an attempt to expand the general extent which the 1980 Panel and Secretary of State had specifically restricted from the proposals submitted at that time by the NYCC. The 1990/91 YGBLP was set within the terms of the 1980 NYCC CSP policies E8 and E8a. The Inquiry into the 1990/91 YGBLP did not address conformity with the Structure Plan Policies E8 and E8a.
9. I have researched the issues around the YGB thoroughly but I can trace no consideration, evidence-base or decision process that addresses:
 - Whether land beyond 6 miles should be included in a proposed YGB, or
 - Whether land within the inner ring of the 2008 RSS KD should be added to the YGB.

I see nowhere any attempt to define outer or inner boundaries compliant with overarching policy either before or after 2013. There is no evidence base assembled to cover these issues prior to the submission of the Plan. There is evidence that the purpose of coalescence and other Green Belt purposes were considered in the 1990/91 process. No purpose for the YGB existed in THE Structure Plan policy. These issues underpin the 2003 Approach to the Green Belt's paper of the LPA, they are not revised by the LPA in consequence of a single purpose for the YGB being incorporated into policy in 2008 and re-stated in 2013 or the fact the prevention of coalescence policy of E8a was dropped by the Secretary of State IN 2008.

10. Topic Paper 1 at para. 3.2.2 is simply incorrect. The District Boundary extends beyond the general extent as is obvious from the Key Diagram of 1980 and which would become obvious to anyone commencing an approach to the outer boundary based on the PRO policy. The TP1 also states that the setting of the surrounding

villages is important but this assertion is not supported by any evidence. The Topic Papers are not documents of evidence they represent post submission justification. The Planning Inspectorate's Procedural Guide makes that position very clear. What needs to exist is an evidence base upon which the Plan is based. In respect of Green Belt policies and proposals there is none. The proposals are merely those of the 1990/91 NYCC YGBLP adjusted in consequence of subsequent development. They are not even based on the current overarching policy of the PRO 2013. A simple example is at page 15 of TP1 where a plan indicates various purposes for the proposals such as the setting of villages and preventing coalescence. These are not purposes required by policy, in fact the coalescence policy was dropped by the Secretary of State in 2008. Such matters, if they were to be considered, would appropriately be considered in a planning balance against the objective of National Policy relating to sustainable patterns of development such as Para. 84 of the NPPF.

11. In those circumstances, I submit the assessment of the YGB policies and proposals in the Plan is that they are not intended to deliver the requirements of the overarching policy of the Regional Strategy but are Green Belt proposals, which due to their extent and objectives (as set out in the LPA's submissions) for a wholly new Green Belt.
12. That approach has the consequential effect of non-conformity with the Regional Strategy Contrary to Sec. 24 (1) and trigger the need for exceptional circumstances to exist to justify that change.
13. In the alternative to the proposals being new as a whole, the areas beyond a 6-mile radius and the areas proposed within the inner ring of the RSS Key Diagram (including the Strays) are proposals for new Green Belt. Such proposals cannot be justified as being in consequence of or within the ambit of or conformity with the Regional Strategy of the PRO.
14. The areas of 'new Green Belt' on any balanced objective assessment must be:

- Those areas which are beyond 6 miles of the City Centre, where there is a suitable boundary feature reasonably close to a point at 6 miles from the City Centre, and
- Those which are demonstrably beyond the inside edge of the inner ring shown on the 2008 KD.

15. I submit that the area of the Green Belt specified in the PPG2 1988 is important evidence. The 1988 version of PPG2 was the first consolidated statement of National Green Belt policy and was accompanied by a revised version of the Government's Booklet, *The Green Belts*. With regards to the booklet it addressed the circumstances of 3 Green Belts which had as its purpose the preservation of the special character of historic towns, these were Cambridge, Oxford and York. Each is described as follows:

- In respect of Oxford that the GB seeks to prevent the City from growing any bigger and the over-arching policy also provides that it is to prevent coalescence with the surrounding villages.
- In respect of Cambridge that there is settled policy to limit its size beyond a level of growth and that of the surrounding villages should not coalesce (again this is expressed in the overarching policy), and
- In respect of York that the safeguarding, might be endangered by unrestricted expansion (*my emphasis*). There is no reference to surrounding villages or preventing coalescence with them or any perceived limit to expansion.

16. There is no need or purpose or reason identified that would prevent the establishment of the defensible outer boundary at or about a 6-mile radius. Whereas this has also not been done in the adjoining authorities either, these are only minor excesses by comparison to York's proposals. Once the position for the primary authority (York) has been established, the outer boundaries of the other

Authorities can be readily and speedily be brought into line as Local Plans are reviewed. Unlike York, the neighbouring Authorities all have regular reviews based on existing adopted plans. In my view these Authorities have been misled by the unjustified alteration to the general extent of the YGB shown by NYCC on their 1995 KD, which most probably was the baseline when their Local Plans were first adopted.

17. The land within the inner ring, which I displayed at Annexe V x of my Consultation Response on the Local Plan Key Diagram, indicates a ring which in my opinion reflects that of the RSS Key Diagram inner boundary but importantly coincides with the provision of 50,000 acres between the inner and outer boundary as indicated in PPG2 1988 as the area of the general extent of the YGB.
18. It is likely the inner boundary would in some locations (for example to provide connections to the Strays) run further towards the urban core. That may generate other areas of less consequence to the purpose of the green belt further away from the inner radius to be brought within the inner boundary.
19. One obvious point, which the RSS Key Diagram displays, is that there is a significant area of Green Belt proposed inside the inner ring that constitutes new Green Belt. As it stands the proposals are for a Green Belt, which is 38% or some 7750 ha greater than the General Extent area indicated in PPG2 1988. That approach prevents sustainable patterns of development as envisaged in NPPF para. 84. There has been no change in policy since 1980 which triggers a need for the area to exceed 50,000 acres and there is no evidence to justify such change.
20. There is absolutely no need for the Strays to be included in the YGB and these areas would in any event be better served by Green Wedge policy.
21. These circumstances indicate:
 - That reasonable alternative approaches have not been considered

- That overall the proposals are either for new Green Belt as a whole or new green belt beyond the general extent of both outer and inner boundaries that are prescribed by the PRO policy.
 - No exceptional circumstance or circumstances are provided by the LPA for either case.
 - There is no evidence that existed at the time the Plan was based. That time period could not arise before 2008 and more appropriately after the PRO 2013. There is evidence that the proposals relate to a previously over-reached policy which was different in terms. It follows that no appropriate, up-to-date evidence base existed for the Plan proposals either when it was being formulated or by the time it was submitted.
22. The area between the two radii shown on my Plan at Annexe V xii are likely to fall in the general extent of the YGB and on the LPA's approach do. Therefore, those proposed sites falling between the radii or extending into the intervening space are prime facie areas to be removed from the general extent. Their boundaries do not constitute inner or outer boundaries. These sites require exceptional circumstances to justify the removal of land from the general extent of the YGB.
23. There is a question of boundaries to inset settlements and the Local Plan process displays no evidence base for resolving criteria or an approach to that issue, no evidenced base assessment as to whether settlements should be accorded a specific status, such as growth settlements, settlements for limited infill or over washed. If such evidence and analysis that also reviewed alternative approaches had existed, not only would it resolve the shortcoming of the Plan in respect of not being justified, it would also provide an appropriate basis for giving consideration to proposals that removed areas of land from the general extent to create these locations. There is simply no such evidence and that void cannot be provided through the medium of Topic Papers, unless they were to display evidence which

existed when the Plan was being formulated. That cannot, however, be the case because it is patently clear the base of the green belt proposals was not evidence but the 1990/91 YGBLP.

24. That shortcoming is I consider in itself fatal to the Plan process before the Examination but when that is related to failure to heed the thrust of NPPF policy para.84 without appropriate, up-to-date and relevant evidence or considering alternative approaches to a tightly drawn inner boundary for the Green Belt, the Plan completely fails to be 'Justified' as well as equally failing to be legally compliant in that same regard.

Q3.2.

25. The LPA's document TP1 is not a document of evidence. The most appropriate description of the document is that it forms part of a retrospective justification. This arises because there is no appropriate up-to-date and relevant evidence base for the Plan in respect of Green Belt. That would have been compiled after the over-arching policy of the PRO was brought into force in 2013 and have regard to that policy. It would be before the commissioning of the SA to support the published Plan. There is no such evidence within that time period. The evidence base is a document produced in 2003 which related to a Plan published in 1998, that was subsequently withdrawn because it was found to be fatally flawed on the issue of its Green Belt policies and proposals. The subsequent Topic Papers on the setting and historic character are supplemental to the 2003 document and approach.
26. It is assumed at Q3.2 b) the reference is to para 84 of the NPPF 2012. The issue has been addressed in submission. The Plan proposals are not sustainable patterns of development and the process has not considered these sustainable patterns of development as an alternative strategy. From 2003 onwards the LPA has suggested the purpose of National Policy to prevent coalescence with neighbouring towns is justification for rejecting the policy at para. 84 NPPF and excluding the transport

corridors from any consideration. When they realised that the Green Belt purpose did not relate to surrounding villages, they altered the stance to claim it was an issue for their setting. However, unlike the policy position at Oxford and Cambridge, there is no express policy to prevent coalescence in respect of York. The previous policy on that issue was dropped by the Secretary of State when he revised the RSS. Coalescence has, in any event, been the historic pattern of growth for York, as I have submitted and demonstrated by a plan of the historic growth pattern at my Annexe V.

27. That process also flags up a reasonable alternative approach which again has not been considered by the LPA.

Q. 3.3

28. Yes, I believe so.

Q. 3.4

28. Yes, but if the Green Belt were drawn up in conformity with the Regional Strategy there would be adequate land inside the inner boundary for the foreseeable future and beyond.

Q. 3.5

29. No, the primary issue is conformity with the Regional Strategy, then consistency with National Policy. However, they are not consistent with National Policy and there is no process of balancing the benefits of sustainable patterns of development against the adverse impact (not assessed or quantified) on for example a village setting.

Q. 3.6

30. Exceptional circumstances are required to justify what is proposed in a planning balance but that would not arise as an issue if the proper approach to the YGB was taken in conformity with the Regional Strategy.

31. At point (c) I refer the Inspectors to the suppressed ECUS Report of 2000 which demonstrates that capacity is likely to exist adjoining the urban core (and without adverse impact on the purpose of the YGB) both for the Plan period and beyond.
32. At point (d) again it is likely to be the case based on the submitted Plan but more sustainable land would be in existence within the inner boundary if an 'in-conformity approach' was adopted to the definition of the inner boundary.

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Figure 3: York Green belt and adjoining authorities

