

Chris Wedgwood

Matter 7

7.1

b) how does the approach now taken in the aforementioned new evidence differ from the method previously used by the Council and what is the reason for the differences?

The Proposed modifications alter the starting point of the plan.

In the previous plan submission the Plan was removing an area called to 'York Urban Area' from the Green Belt without justification using a temporary Green belt boundary.

It was then pointed out at the Inquiry that there is no such thing as a temporary Green belt boundary. The NPPF required that Green belt Boundaries last beyond the lifetime of the plan.

This has prompted the Council to now claim that the starting point of the plan has been changed by the proposed modifications so as to remove this area from the General Extent of the Green Belt even before the LP boundary setting exercise begins.

This means that the public are unable to point out that the Urban Area of York designation does not provide any evidence that the land in that area does not fulfil Green Belt purpose, and is not evidencing a justified exclusion of this land from the Green Belt.

The method used to divide the York map into squares then take an average density figure is flawed.

There are Green Wedges within this land which the Council have not identified in their map of Green Wedges(which is not complete) Such as the Green Wedge identified in the Heslington Village Design statement that protects the Rural Character of The Village and prevents Coalescence, which is approved as supplementary planning guidance.

If the land that fulfils Green Belt purpose is arbitrarily lumped together with built development near by then an average density of development measure is taken across the whole square then this does not provide any evidence that the land that fulfils Green Belt purpose does not fulfil Green Belt purpose.

The General Extent of the Green Belt was defined by the adoption of the RSS and it did so at the moment of it's adoption.

The RSS could only have had regard to information that was available at that time. The York Urban Area in the evidence base of the 2018 ELP did not exist when the RSS was defined and could have no part in it.

The 2005 Draft Local Plan took the Green Belt defined in the 1995 York Green Belt Local Plan/and inspectors report as it's starting point.

It then failed to justify any land to be removed from the starting point. Only pointing out that some of it was not identified as Green Belt by the 2003 Green Belt Appraisal. This is a document that only identifies the most important areas of Green Belt and does not evidence that any site does not fulfil Green Belt purpose so cannot be used to exclude any land from the Green Belt.

The 2005 Draft Local Plan(4th set of changes) draws it's Green Belt boundary on the proposal map incorrectly showing that this land has been excluded, but this cannot be in accord with the policies of the plan which has not been able to justify it's removal because it cannot evidence that the land being excluded by the boundary on the proposals map does not fulfil Green Belt purpose.

The Green Belt in the 2005 Draft Local Plan(4th set of changes) should be considered to be the same as it's starting point minus any allocations.

It is clear that the General Extent of the Green Belt defined by the RSS must be inline with both the 1995 York Green Belt Local Plan and the 2005 Draft Local Plan(4th set of changes), and this would be the correct starting point for the current plan to use.

The act of Planning Judgement to identify the General Extent of the Green Belt is an an act to discover the land that is in the already defined General Extent of Green Belt that was defined by the RSS.

It is not an act to define the General Extent of the Green Belt. This can only be done through the adoption of a Regional Plan and has already been done by the RSS.

The land that the RSS defines as General Extent of Green Belt is the land that fulfils Green Belt purpose at the time of the adoption of the RSS. This is the land that needs to be protected by the precautionary principle because it could be in the Green Belt when a LP defines the Green Belt boundaries.

It would be irrational to claim that either the 2003 GBA or the York Urban Area could have excluded any land from the General Extent of the Green Belt when defined by the RSS since neither of them provide any evidence that the land they contain does not fulfil Green Belt purpose(and the York Urban Area didn't even exist at the time.)

The General Extent of the Green Belt in the RSS once defined cannot be altered unless by the revocation of the RSS and the adoption of a new Regional Plan. The LP proposed modifications are unable to exclude any land from the General Extent of the Green Belt before the boundary setting exercise begins.

7.3
No