

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 1 MIQs.

George E Wright MA MRTPI

(RESPONDENT REF: 833 COMBINED)

Hearing Statement

Matter 1 Phase 2 Hearings – Strategic Vision, Outcomes & Development Principles.

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 1. I do not consider that any material subsequently submitted in the Examination process by the LPA has addressed or removed my conclusion that the Plan proposals are unsound because they were not and are not evidenced based.

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 1

1.5 My response to this question is that the Visions Outcomes and Development Principles are not an appropriate framework.

1.6 My justification for that conclusion is that the resolution of the outer and inner boundaries of the greenbelt proposed in the Local Plan are not based on evidence which was considered and existed at the date of the Plan's Submission. I set out a more detailed explanation of that point at Question 2. That subsequent material submitted by the LPA is post submission justification. If that process includes any evidence to support the justification, it is just that. It is not evidence upon which **the Plan was based**. (my emphasis)

1.7 I have submitted elsewhere that the evidence which was relied upon as set out at the date of the Plan's submission does not provide a proportionate range of evidence to justify the greenbelt boundary proposals of the Plan. I have stated that the boundaries proposed are materially those generated for the 1990 York Green Belt Local Plan and those boundaries were not evidence based.

Question 2

- 1.8 My response is that the Development Principles are not justified due to the lack of proportionate evidence at the date of the Plan's submission and additionally are not in accordance with national policy.
- 1.9 The 'York's' Local Plan: Submission Documents List 25.05.2018' has a section headed 'Supporting Documents and Evidence Base'. The first listed documents are referred to as a City of York Draft Local Plan... 4th Set of Changes and there is a North & South Proposals Map. This Draft Local Plan is in fact the 1998 Local Plan which set out greenbelt boundaries based on the 1990 YGBLP proposal plans for the green belt boundaries. That was done specifically to utilise the regulatory benefit for the LPA that issues addressed in the 1990 Local Inquiry could not be re-run in the 1998 Local Plan Local Inquiry. I evidenced that point in my initial Response at Annexe III 9. pages 602 TO 612. It was therefore essential that the 1998 proposals replicated those of the 1990 YGBLP proposals for the greenbelt
- 1.10 The 1990 Proposals were not evidence based and my production of the YGBLP Consultation Draft Proposals Plans (Annex Vi – Original Response) indicates the proposals were not formulated against a 6-mile radius but were based upon old sketch maps and also that the inner boundary had no regard

to National Policy where PPG2 1988 stated the general extent comprised 50,000 acres.

- 1.11 The 1990 & 1998 Public Inquiries were not inquisitional and did not require the tests of soundness but merely addressed specific objections.
- 1.12 The boundary proposals of this Local Plan are primarily based on those of the 1998 Plan which in turn was based on the 1990 Plan. This is neither an evidenced based approach nor one consistent with National Policy. **I consider that it is essential to the Inspectors' understanding of this that they view the 1998 and this Plan's Proposal Maps in hard copy.** Only by this visual comparison does it become unquestionably clear that this Plans proposals are based on those of the 1998 Plan, which in turn replicated the 1990 proposals. This is the base of the proposals not any evidence.
- 1.13 The decision by the Supreme Court in Samuel Smith Old Brewery (Tadcaster) v NYCC [2020] UKSC3 makes it clear that historical green belt policy statements are important to current interpretation of policy. The 50,000 acres scale of the general extent is the only reference by a Secretary of State to the area of the York greenbelt. It followed only 8 years after the Secretary of State in 1980 re-wrote the York Greenbelt Policy as having a radius 6-miles from the centre of the City.

- 1.14 As the outer boundary is that of the 1990 Plan, which I assert it is, that Plan was produced at a time when PPG2 1988 was the policy in force and that policy guidance indicated the area of the general extent was 50,000 acres. That meant the inner boundary would be by and large at some distance from the existing built core of the City. This is how it is depicted on the RSS Key Diagram.
- 1.15 The 1990 and 1998 proposals were also based on an earlier overarching policy as the general extent which is materially different from that which now applies. That is a further reason why proposals based on a 1990 proposal are likely to be misconceived in today's policy regime.
- 1.16 Further additions have been made to national greenbelt policy since 1990, in particular the provisions set out at Para 84 NPPF 2012 relating to neighbouring settlements. This sustainable approach did not become policy until 1995. The proposals of the Local Plan are in direct conflict with this policy as the proposals are based on avoiding coalescence with neighbouring settlements. I accept they may have been in accordance with the 1980 overarching policy but that is no longer in force and the current proposals are not policy compliant in this respect because the proposals claim to be based on the 2003 'evidence' which treated the purpose of avoiding coalescence as a main purpose of the York Green Belt and incorrectly considered that the

neighbouring settlements were 'towns' within the meaning of greenbelt policy.

Question 3

- 1.17 My response is 'no', and for the reasons already indicated in my Responses and highlighted above.

Question 4

- 1.18 The Sustainability Appraisals failed to address the requirements of Para 84 NPPF as stated above. The SA does not even address the issue of para 84 in respect of greenbelt boundaries.

Overall Conclusion.

- 1.19 The appropriate determination of the greenbelt boundaries is fundamental to achieving a Local Plan based on sustainable patterns of development. The fact, which I consider is irrefutable, is that the greenbelt proposals are not based on appropriate evidence. This is because they are materially and substantially based on a 1990 plan, which addressed a different overarching policy to that of the RSS, was set within a different national policy regime, was set within a different regulatory regime and was not itself based on evidence.

1.20 This analysis concludes that the proper resolution of the Greenbelt is fundamental to establishing the Vision, Outcomes and Development Principles. This Plan's resolution of the greenbelt boundaries is fundamentally flawed in that it is not justified by an appropriate evidence base. Accordingly, everything that follows is unsound and the Plan cannot be made sound within the framework of this Examination in Public.

George Wright MA MRTPI

March 2022.