

Annex A

IN THE MATTER OF THE PREPARATION OF THE YORK LOCAL PLAN

**INSTRUCTIONS TO LEADING COUNSEL
TO ADVISE IN WRITING**

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Counsel has herewith the following copy documents:-

- (A) A history of Green Belt policy in York
- (B) Government's statement on saved policy of RRS (to follow)
- (C) Saved Policy of RSS and Key Diagram showing General Extent of York Green Belt

Counsel is instructed by the Assistant Director of Governance and ICT for the Council of the City of York, which is a unitary authority.

Background to the Green Belt status in the York Administrative Area

1. The Council is in the process of preparing its Local Plan. The preferred options consultation stage was undertaken in summer 2013 and the Council's cabinet considered a publication draft of the Plan on 25th September 2014. However since then the political composition of the Council has changed to one of no overall control. This has led to a 'pause' in the Plan making process to allow further consideration of the evidence base on the scale of development and the portfolio of development sites. The Council is seeking Counsel's advice on how it should, through its Local Plan seek to determine the extent of the York Green Belt and set for the first time the detailed boundaries of the green belt that lie within the York UA in a manner which accords with national planning policy.
2. The principle of a green belt surrounding York whose primary purpose is to protect the historic setting and character of the City has been long established. There have been a number of unsuccessful attempts to define the detailed boundaries in a statutory Plan going back to the early 1990's. A history of Green Belt policy in York prepared by the Council's Planning Policy team is attached as Document A.

3. At present the principle of the green belt around York is set out in the Government's statement saving certain policies from the now otherwise revoked RSS for Yorkshire and the Humber. The Government considered the retention of the general extent of the green belt around York to be of such importance that it was the only part of the RSS that survived revocation.. The general extent of the York green belt was defined in the RSS; its precise detailed boundaries within the York UA have never been identified. It is the role of the emerging Local Plan to define precisely what land is in the green belt.

4. The general extent of the York green belt covers the whole district beyond the built up area of the city and excluding any other settlements which are inset in the green belt. The outer edge of the green belt is either at the District boundary or in the adjoining Districts' and has or is being addresses in their Local Plans. As a consequence, there are no areas of countryside within the York UA Local Plan area that are outwith the general extent of the green belt.

The application of paragraphs 82 to 92 to the proposed York green belt policy and the role of safeguarded land.

5. Paragraphs 79 to 92 of NPPF set out the Government's policy on green belt. Paragraphs 82 to 86 deal with defining the extent of the green belt, setting boundaries and the role of safeguarded land.

6. Paragraph 85 states inter alia that when defining the green belt boundary the local authority should satisfy itself that the green belt boundaries will not need to be altered at the end of the Local Plan period and that the greenbelt should not include land which it is unnecessary to keep permanently open. This paragraph also states; where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt in order to meet longer-term development needs stretching well beyond the plan period.

7. The background information shows that the circumstances of the York green belt are rather unusual and that the attempts to set a boundary have been protracted. Consequently there is a great deal of public interest focussed on scrutinising the technical work that comprises the evidence base to the emerging local plan that underpins the decisions about the York green belt.
8. Consequently Counsel is requested to advise in writing on the following matters in respect of determining the extent and boundaries of the York green belt and ensuring that the green belt endures beyond the plan period (as set out in paragraph 83 of NPPF):-
- (i) How long beyond the Plan period should a green belt be expected to endure once it is defined in a statutory Plan?
 - (ii) In setting a green belt boundary, what are the options for the allocations to be given to land not required for development in the Plan period? What working definitions could be applied to such land?
 - (iii) How should the Council interpret the application of the 'where necessary' test in respect of identifying safeguarded land as set out in paragraph 85 of NPPF. Are the local circumstances in York amongst the circumstances envisaged in the drafting of this 'test'?
 - (iv) The most recent published draft local plan includes safeguarded land which should provide for the city's development needs for around 10 years beyond the life of the Plan. However the Council has been challenged in representations to the Plan which claim it is not necessary to identify safeguarded land (notwithstanding paragraph 85 of the NPPF).
 - (a) If the Plan addresses the objectively assessed need for housing and other development needs for the whole plan period (including an appropriate oversupply in housing land to provide flexibility) and does not identify any safeguarded land, what are the risks of the Plan being found unsound (assuming that in all other respects the Plan is sound)?
 - (b) What arguments could the Council deploy to justify not identifying any safeguarded land and has such a stance been successfully

deployed in a Plan elsewhere in the country since the introduction of the NPPF?

9. Counsel is requested to note that because of the degree of interest locally in this matter the Council intends to publish both these Instructions and the Advice that is provided pursuant to these Instructions. Counsel is requested to let his Instructing Solicitor know if he has any objection to the publication of his written Advice.

Appendix 1: History of Green Belt Policy in York

1.0 Pre 1980

- 1.1 Prior to local government reorganisation in 1974, the area around York was divided between four authorities – the East, North and West Riding County councils and York City Council. In response to a request by Government in the late 1950s, each of the County council's proposed a Green Belt for its part of the York area.
- 1.2 Over the years, the boundaries of these Green Belts were amended in response to development and other pressures.
- 1.3 In 1975, the Secretary of State decided to establish a 'sketch' Green Belt around York until such a time comprehensive proposals could be established.

2.0 The North Yorkshire Structure Plan

- 2.1 The North Yorkshire County Structure Plan was first approved by the Secretary of State in November 1980. It contained a policy (E8) which confirmed the principle of a Green Belt encircling York, defining it as 'a belt whose outer edge is about 6 miles from York City Centre'.

3.0 The Greater York Study

- 3.1 When approving the North Yorkshire Country Structure Plan in 1980, the Secretary of State decided not to endorse a specific policy framework for the Greater York area. Instead the Authorities covering Greater York defined as the area within 6 miles of the City Centre were invited to consider jointly the development needs of the area. The Authorities were North Yorkshire County council and Ryedale, Selby, Harrogate and Hambleton District Councils.
- 3.2 The exercise was completed in September 1982 with the publication of the informal policy document 'Policies for Housing and Industrial Land in the Greater York Area'.

3.3 The Study needed to be revisited in 1987 when the Secretary of State approved the first alteration to the Structure Plan. This provided, for the first time, housing and employment requirements for the Greater York Area as well as figures for the individual districts around York.

3.4 The five Greater York Authorities started preparation of a new study for the distribution of housing and employment land around Greater York. This was published in February 1990 and was entitled the 'Greater York Study: A Strategy to 2006'. It was subsequently the subject of public consultation.

4.0 The York Green Belt Local Plan and Southern Ryedale Local Plan

4.1 Following publication of the Greater York Study, North Yorkshire County Council took the lead and began the preparation of a local plan that would define the Green Belt around Greater York. Prior to this, some of the district authorities including Ryedale, had started preparation of comprehensive local plans for parts of the Greater York area but these had not progressed to deposit stage because of difficulties arising from the lack of an adequate strategic context.

4.2 The Draft York Green Belt Local Plan was published in February 1991 and the plan was placed on deposit in October 1994. It carried forward the overall strategy of the Greater York Study. This plan showed the appeal site to be excluded from the Green Belt.

4.3 At the same time, Ryedale District Council started preparation of a comprehensive local plan for its part of the Greater York area. The Draft Southern Ryedale Local Plan was published in January 1991 and the deposit draft in September 1991. This plan showed the appeal site to be excluded from the Green Belt.

4.4 A joint local plan inquiry was set up into the two local plans. The Inspector (Mr. John Sheppard) opened the inquiry on 15 September 1992 and it closed on 28 April 1993. The inspector reported in January 1994, endorsing the principle of the Green Belt and the general extent of its boundaries.

5.0 The North Yorkshire Structure Plan Alteration

- 5.1 As part of the suite of plans being produced to put into effect the 1990 Greater York Study, North Yorkshire Country Council published a third alteration to the Structure Plan in March 1992. As well as containing new housing and employment requirements it put forward a new policy for a new settlement or settlements for Greater York of about 800 to 1000 dwellings to be located beyond the Green Belt. The policy was not, however, specific about the location.
- 5.2 The third alteration was placed on deposit in July 1992 and an examination in public took place in November 1993. The panel endorsed the principle of the new settlement but recommended that the policy should establish its general location. The panel recommended that 'part of Ryedale which is well related to the A64 corridor'.

6.0 Procedures up to 1996

- 6.1 The recommendation by the panel for the local of the new settlement generated considerable political controversy, particularly in Ryedale. The County Council pressed ahead with the publication of proposed modifications to the Structure Plan Third Alteration in September 1992. In doing so it put forward two potential locations for the new settlement, one in accordance with the panel's recommendation and the other in Selby District. However both Ryedale and Selby Council's indicated that they were opposed to a new settlement in their areas (after previously supporting the principle of the settlement). As a result the County Council decided to abandon the new settlement and to delete Policy H2 from the third alteration. At the same time, the County Council recognised that the retaining the same level of housing provision for Greater York in Policy H1 would require, in the absence of a new settlement, 'further consideration' to be given to the location of development and that such consideration should fall to the new City of York Authority which was due to be established in April 1996. The County Council published further proposed modifications to this effect in April 1995. The Structure Plan Third Alteration was finally adopted, without the new settlement in October 1995.

6.2 North Yorkshire County Council and Ryedale District Council published simultaneously proposed modifications to the York Green Belt Local Plan and the Southern Ryedale Local Plan in September 1994. However, in the light of the subsequent decision to abandon the new settlement through the Structure Plan, the two authorities decided they could not proceed to adopt the two local plans as the proposed greenbelt boundaries would not be able to accommodate the full extent of development envisaged by the third alteration Structure Plan. The matter was therefore left to the new City of York Authority.

7.0 Other Local Plans

7.1 Some of the other authorities around York began to progress local plans.

7.2 The former York City Council published a consultation draft of City of York Local Plan in February 1994. It showed a Green Belt for the small parts of the old city which were open land, primarily but not exclusively the green wedges and strays. The Local Plan was placed on deposit in September 1995.

7.3 Selby District Council published a consultation draft of its district wide local plan in June 1995. This contained Green Belt boundaries for the area within Greater York.

7.4 Hambleton District Council published a consultation draft of its district wide local plan in April 1993 which included Green Belt boundaries for its part of the Greater York area. The local plan was placed on deposit in March 1995.

7.5 None of these plans progressed to the next stage, so far as land within the Greater York area is concerned, before local government reorganisation took place in April 1996.

8.0 The City of York Local Plan

8.1 The City of York Local Plan was placed on deposit in May 1998. It identified the appeal site as within the settlement boundaries for York and outside of the Green Belt. A very tight Green Belt was put forward on the basis that the Green Belt would

not be permanent and there would be a need for an early review in light of new information on development requirements after 2006. The deposit draft Green Belt was based upon the recommendations of the York Green Belt Local Plan Inspector. The Council, however, made alterations to the recommended Green Belt (generally additions rather than exclusions) where it considered appropriate.

- 8.2 The Council subsequently published two sets of proposed changes, one in March 1998 and one in August 1999. Neither set of changes had significance for the general extent of the Green Belt.
- 8.3 The local plan inquiry opened in November 1999. At its opening, the Council asked the Inspector for a provisional finding on whether he considered the Green Belt was in accordance with national policy. After hearing evidence from objectors and the Authority, the Inspector indicated that the proposed Green Belt did not have the permanence required by Planning Policy Guidance 2: Green Belts and as such needed strategic amendments. After receiving the Inspector's provisional finding, the Council decided to adjourn the local plan inquiry and to establish a more permanent Green Belt.
- 8.4 The Council published its third set of changes in February 2003. This proposed significant areas of safeguarded land, particularly on the western site of the city. The third set of changes was subsequently subject to consultation.
- 8.5 After a change in the political control of the Council, the Authority approved the local plan fourth set of changes for development control purposes. This withdrew most of the safeguarded land proposals made by the third set of changes. The safeguarded land designated at Strensall remained. The Development control Local Plan (2005) shows the appeal site as land reserved for possible future development post 2011, to be brought forward with a review of the plan.
- 8.6 The Council decided not to proceed with the fourth set of changes and did not undertake any public consultation on them. It does however use these changes as the basis for development management decisions.

9.0 The City of York Local Development Framework

- 9.1 Following changes to the planning system through the Planning and Compulsory Purchase Act (2004) the Council began preparing a Local Development Framework to replace the City of York Local Plan Incorporating the 4th Set of Changes. The formal designation of the Green Belt was then left to the Council's Local Development Framework through an Allocations Development Plan Document which would sit alongside a Core Strategy. Alongside progress on preparing a Core Strategy, consultation on an Issues and Options Allocations DPD was undertaken in March 2008. This document shows the appeal site to be outside of the Green Belt and within the draft settlement limit for Strensall.
- 9.2 A City of York Core Strategy was submitted to the Secretary of State in February 2012, just before the new National Planning Policy Framework was issued. In May 2012 Members approved a community stadium and retail scheme at Monks Cross. The Inspector wrote to the Council indicating that following the decision on the Community Stadium a radical review of the Core Strategy would be required. The Inspector was concerned that such likely changes would result in a substantially different set of strategic policies and direction for York from those submitted. Accordingly, the Council wrote to the Inspector to inform him of the decision to reluctantly recommend to Council the withdrawal of the document. This course of action was approved by Council in July 2012.

10.0 Saved Policies of The North Yorkshire Structure Plan

- 10.1 The 2004 Planning Act enabled structure plan policies to be saved for three years from September 2004 or from when they were adopted, whichever is later. This meant the policies from the North Yorkshire Structure Plan Third Alteration (1995) were saved until September 2007. There was also scope to save certain policies to ensure there were policy voids.
- 10.2 The Yorkshire and Humber Regional Assembly decided that it was necessary to save Policy E8 from the Structure Plan beyond the three year period and the Secretary of State agreed this. Policy E8 remained saved until the RSS was adopted

in 2008. All other policies in the North Yorkshire Structure Plan expired in September 2007.

11.0 The Yorkshire and Humber Plan Regional Spatial Strategy

- 11.1 The Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (the RSS) was adopted in 2008 and at that time became a part of the development plan for each local authority in the Yorkshire and Humber Region. Policy YH9C refers only to the inner boundary of the Green Belt around York, but RSS Policy Y1C1 deals with both the inner and outer boundaries. It states that plans should, in the case of the City of York LDF 'define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with Policy YH9C'. Figure 6.2 of the RSS is a diagrammatic representation, without scale or detail, of the York sub-area. It includes shading around York which the key describes as 'general extent of Green Belt', but which cannot be accurately related to any local features.
- 11.2 The Localism Act (2011) allowed the Government to fulfil a longstanding promise to revoke RSS's. The environmental assessment process for the RSS abolition highlighted that York does not currently have a local plan in place and indicated that revocation of the York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy should be retained. The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 was laid in Parliament on the 29th January 2013, which took effect on 22nd February 2013. This means that for York, the development plan will continue to include the RSS Green Belt policies and RSS key diagram insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York as it relates to these policies. All other RSS policies have been revoked and do not form part of York's development plan.

12.0 Emerging Local Plan

- 12.1 In October 2012 City of York Council Members instructed officers to commence the appropriate steps to produce a local plan that is fully compliant with the National Planning Policy Framework and other relevant statutes.
- 12.2 Using existing evidence base work and consultation undertaken as part of the Local Development Framework process as a starting point a Local Plan Preferred Options document was consulted on in June 2013. This plan shows the appeal site to be outside of the Green Belt and within the draft settlement limits for Strensall. The appeal site is identified as a proposed housing allocation (site reference H27).
- 12.3 The emerging Local Plan is currently at publication draft stage but has not yet been subject to public consultation. The publication draft local plan contains the package of sites required to meet the objectively assessed housing need in the district and includes the appeal site in that package of sites.

Ministerial statement on revocation of RSS – extract from Hansard

Revocation of the Yorkshire and Humber Regional Strategy

The Secretary of State for Communities and Local Government (Mr Eric Pickles): I have today laid in Parliament an order to revoke the last Administration's regional strategy for Yorkshire and Humber. This follows an assessment as outlined in the written ministerial statement of 25 July 2012, *Official Report*, House of Lords, columns WS66-68.

The revocation of the regional strategy for Yorkshire and Humber and its flawed top-down targets heralds another important step for localism. It delivers a decentralised planning system where local councils and local people can own the planning agenda for their communities and so shape and deliver development where they live. Such engagement is the key to creating a planning system that works with, not against, local communities.

The City of York does not currently have a local plan in place with defined green belt boundaries. The environmental assessment process indicated that revocation of the York green belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. Following careful consideration of the consultation responses received, we have concluded that the best solution would be to retain the York green belt policies. This approach expresses the importance that the coalition Government place upon the green belt and our recognition of its invaluable role in protecting our treasured environmental and cultural heritage.

Once the order takes effect, development plans across the former Government office region, with the exception of York, will comprise the relevant local plan, and where they exist, neighbourhood plans. In York, the development plan will continue to include the regional strategy's green belt policies.

The reasons for the decision to retain the York green belt policies, and to revoke all other parts of the regional strategy, are set out in a post-adoption statement, which has been placed in the Library of the House and is available online at: www.gov.uk/government/consultations/strategic-environmental-assessment-about-revoking-the-yorkshire-and-the-humber-regional-strategy-environmental-report

The order is laid under the negative resolution procedure and will take effect on 22 February. Further announcements on the other regional strategies will be made in due course.

**EXPLANATORY MEMORANDUM TO
THE REGIONAL STRATEGY FOR YORKSHIRE & HUMBER (PARTIAL
REVOCATION) ORDER 2013**

2013 No. 117

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instruments**

- 2.1 This Order revokes the Regional Strategy for Yorkshire and Humber, **except for policies which relate to the Green Belt around the City of York.**

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None.

4. **Legislative Context**

- 4.1 The Localism Act 2011 provides for the removal of the regional planning tier in a two-stage process. The first stage, to remove Part 5 of the Local Democracy, Economic Development and Construction Act 2009, which contains the regional planning framework, including Leaders' Boards, took effect when the Localism Act received Royal Assent on 15 November 2011. This prevents further strategies being created. The Act also provides the Secretary of State with an enabling power to revoke or partially revoke by order the existing regional strategies outside London, constituting the second stage of the process.
- 4.2 This instrument relates to the second stage of the process in respect of the Yorkshire and Humber region by partially revoking the Regional Strategy for Yorkshire and Humber, which comprises the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (published in May 2008) and the Regional Economic Strategy for Yorkshire & Humber 2006-2015 (published in 2006). It is made under the powers in section 109 of the Localism Act 2011.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to England only.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The Coalition Government commenced a planning reform programme, which included measures to decentralise the planning system so that powers are passed down to local councils and the local communities that they represent. The Coalition Agreement makes clear the Government's wish to promote decentralisation and democratic engagement and to end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals.

7.2 The removal of the regional planning tier is an integral part of decentralisation and was a clear commitment in the Coalition Agreement, which stated that:

“We will rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils”.

7.3 Currently, regional strategies provide the statutory regional framework for development and investment across a region, including setting targets for housing delivery that apply to constituent local councils. Since their creation by the Planning and Compulsory Purchase Act 2004, regional strategies, sitting alongside local plans prepared by local councils and any saved county structure plan policies, form the statutory development plan for an area. This means that they set the framework for local plan-making and local councils in the region must ensure that their local plan is in general conformity with the regional strategy at the time their local plan is submitted for examination. It is also important because planning applications should be determined in accordance with the development plan (which includes the regional strategy for the local planning authority's region) unless material considerations indicate otherwise.

7.4 The abolition of the Regional Strategy for Yorkshire and Humber would enable a locally led planning system comprising local and neighbourhood plans and giving local councils responsibility for strategic planning in the region. To support a locally-led approach to strategic planning, section 33A of the Planning & Compulsory Purchase Act 2004 (inserted by section 110 of the Localism Act 2011) introduces a statutory duty to co-operate. The duty requires local

councils and other public bodies to work together constructively, actively and on an ongoing basis when planning for cross-boundary matters in their local and marine plans.

- 7.5 The abolition of regional strategies makes the local plan the keystone of the planning system. In the absence of regional strategies, the statutory development plan comprises any saved county structure plan or local plan policies and adopted development plan documents. The statutory development plan may in future include any adopted neighbourhood plans that are prepared under the powers inserted into Part III of the Town and Country Planning Act 1990 by the Localism Act 2011.
- 7.6 This Order fulfils part of the Coalition Agreement commitment for this region by revoking the Regional Strategy for Yorkshire and Humber, except for policies which relate to the Green Belt around the City of York.

8. Consultation outcome

- 8.1 Regional strategies are plans for the purpose of the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, known as the Strategic Environmental Assessment (SEA) Directive. In accordance with the Directive, the Secretary of State carried out two consultations on the environmental impacts of the revocation of the Regional Strategy for Yorkshire and Humber. The consultations ran from 20 October 2011 until 20 January 2012 and again from 28 September 2012 until 26 November 2012. The second consultation considered reasonable alternatives to revocation, including partial revocation.
- 8.2 The statutory consultees on this proposal included English Heritage, Environment Agency and Natural England and their equivalent bodies in the Devolved Administrations. The environmental reports were published for consultation on the Department's website and the Department also emailed organisations including local authorities, parish councils, non-governmental organisations and professional bodies which have expressed an interest in the proposal to revoke regional strategies, to inform them that the environmental reports were out for consultation.
- 8.3 The Secretary of State received 48 combined responses specifically on the proposed revocation of the Regional Strategy for Yorkshire and Humber in response to the two consultations which took place on:

20 October 2011 until 20 January 2012

28 September 2012 until 26 November 2012

- 9 from statutory consultation bodies
- 7 from local planning authorities and public agencies
- 3 parish councils
- 9 from NGOs and local pressure groups
- 5 industry representative bodies
- 9 developers and planning consultants
- 6 individuals and MPs

8.4 Of these 48 responses, 19% were statutory consultation bodies (the three English statutory consultation bodies and their equivalent bodies in the Devolved Administrations), 15% from local planning authorities and public agencies, 6% from parish councils, 19% from non-governmental organisations and local pressure groups, 10% from industry representative bodies, 19% from developers and planning consultants and 13% from individuals and MPs.

8.5 The responses to the two environmental reports on the environmental impact of the proposed revocation of the Regional Strategy for Yorkshire and Humber identified the following issues to be of strategic significance:

- Imbalance between water demand and supply
- Flooding, coastal erosion and climate change, CO₂ emissions and renewable energy
- Historical reductions in biodiversity and natural and semi-natural habitats
- Erosion of historic assets including landscapes
- Air quality, especially on main transport routes
- Pressures on landscape character
- Waste and mineral management
- Scale and distribution of housing development
- Issues associated with planning around the boundaries of the Yorkshire and Humber's two National Parks
- Strategic planning for the accommodation needs of Travelling Show people and Gypsy and Travellers communities
- Need to revoke regional strategies rapidly so to deliver the localism agenda
- The importance of policies in the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 relating to the Green Belt around the City of York

8.6 The Secretary of State has taken into account the assessment of the environmental considerations in the Environmental Report and opinions expressed in response to consultation on the report. Taking account of these considerations, the Secretary of State has decided to retain the following parts of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026:

- policy YH9: Green belts - title and first sentence of part C;

- policy Y1: York sub area policy - title, opening line and paragraphs 1 and 2 of part C; and
- the Key Diagram, insofar as it illustrates the retained policies and the general extent of the Green Belt around the City of York.

At present there is no adopted local plan for the City of York which gives effect to these policies. In the short to medium term, revocation of these policies would effectively remove the statutory basis for the York Green Belt, its general extent and purpose to prevent harm to the historic character of the City. The longer the period between revocation and the adoption of local plans which give effect to the Green Belt policies set out above, the greater the opportunity for the cumulative effects of development on the Green Belt to have a significant negative effect on the special character and setting of York. A number of consultees expressed similar concerns.

- 8.7 With the above exception, the assessment found that there are no policies in the Regional Strategy for Yorkshire and Humber, where the act of revocation will cause a significant negative effect whilst retaining the same policy will maintain significant environmental benefit. The Secretary of State has therefore decided to partially revoke the Regional Strategy for Yorkshire and Humber, retaining the Green Belt policies set out above.
- 8.8 A Post Adoption Statement summarising how environmental considerations have been integrated into the plan to partially revoke, including the reasons for partial revocation, in light of other reasonable alternatives, and information on monitoring has been prepared. Details of the consultation and representations received, and the Department's response to them are also set out in the Post Adoption Statement which will be available on the Department's website shortly:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>.

9. Guidance

- 9.1 The legislation relates to the partial revocation of the Regional Strategy for Yorkshire and Humber and does not make new provision for which guidance is necessary. The abolition of regional strategies forms part of a new, localised approach to strategic planning, which is set out in the National Planning Policy Framework.

10. Impact

- 10.1 The Government believes that the impact of this policy will fall upon local councils. The abolition of the Regional Strategy for Yorkshire

and Humber (with the exception of the York Green Belt policies set out above) places the responsibility for strategic planning upon local councils. As such, the impact of the legislation is likely to be felt by local planning authorities and other public bodies prescribed under regulations¹. The role of businesses, charities and voluntary bodies in the plan-making process is unaltered by this legislation.

- 10.2 As discussed, the impact on the public sector is likely to be felt by local planning authorities and other public bodies prescribed under the regulations as subject to the duty to co-operate. Local councils in the region are now responsible for planning for cross-boundary, strategic matters in local plans through the duty to co-operate. This means that they will need to take leadership by actively co-operating with other authorities when planning for strategic matters. While this gives local councils new responsibilities, these responsibilities respond to new freedoms for councils. The new responsibilities for local councils should in practice reflect work that they already undertake to work with other councils and public bodies when preparing their local plans. Similarly, other public bodies prescribed under the duty to co-operate will also be required to engage with local planning authorities in the plan-making process and again, this reflects work they already undertake. While there may be costs incurred by these bodies it is considered that this will be offset by a shift in the balance of engagement activity towards the start of the plan preparation/review process rather than at the end.
- 10.3 The Department has further assessed the impacts of the revocation of the Regional Strategy for Yorkshire and Humber and reasonable alternatives to revocation, including partial revocation, through the Strategic Environmental Assessment process. A Post Adoption Statement, covering that process, will be published on the Departmental website shortly.
- 10.4 In accordance with section 149 of the Equality Act 2010, the equality impacts of the partial revocation of the Regional Strategy for Yorkshire and Humber have also been examined by an Equality Statement assessing the potential impacts of abolition on groups with protected characteristics, as defined under the Equality Act 2010, in particular Gypsies and Travellers. Due to the mitigation within the planning system, provided by planning policy and legislation alongside the local plan preparation and examination process, the Equality Statement concludes that there would be no adverse impacts on those with protected characteristics.

¹ Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012/767, as amended by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012/2613.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Post Adoption Statement on the environmental assessment process conducted on the Regional Strategy for Yorkshire and the Humber sets out onward monitoring procedures for:

- i. significant effects identified in the assessment that may give rise to irreversible damage, and where appropriate, relevant mitigating measures that can be taken; and
- ii. uncertain effects where monitoring would enable preventative or mitigating measures to be undertaken.

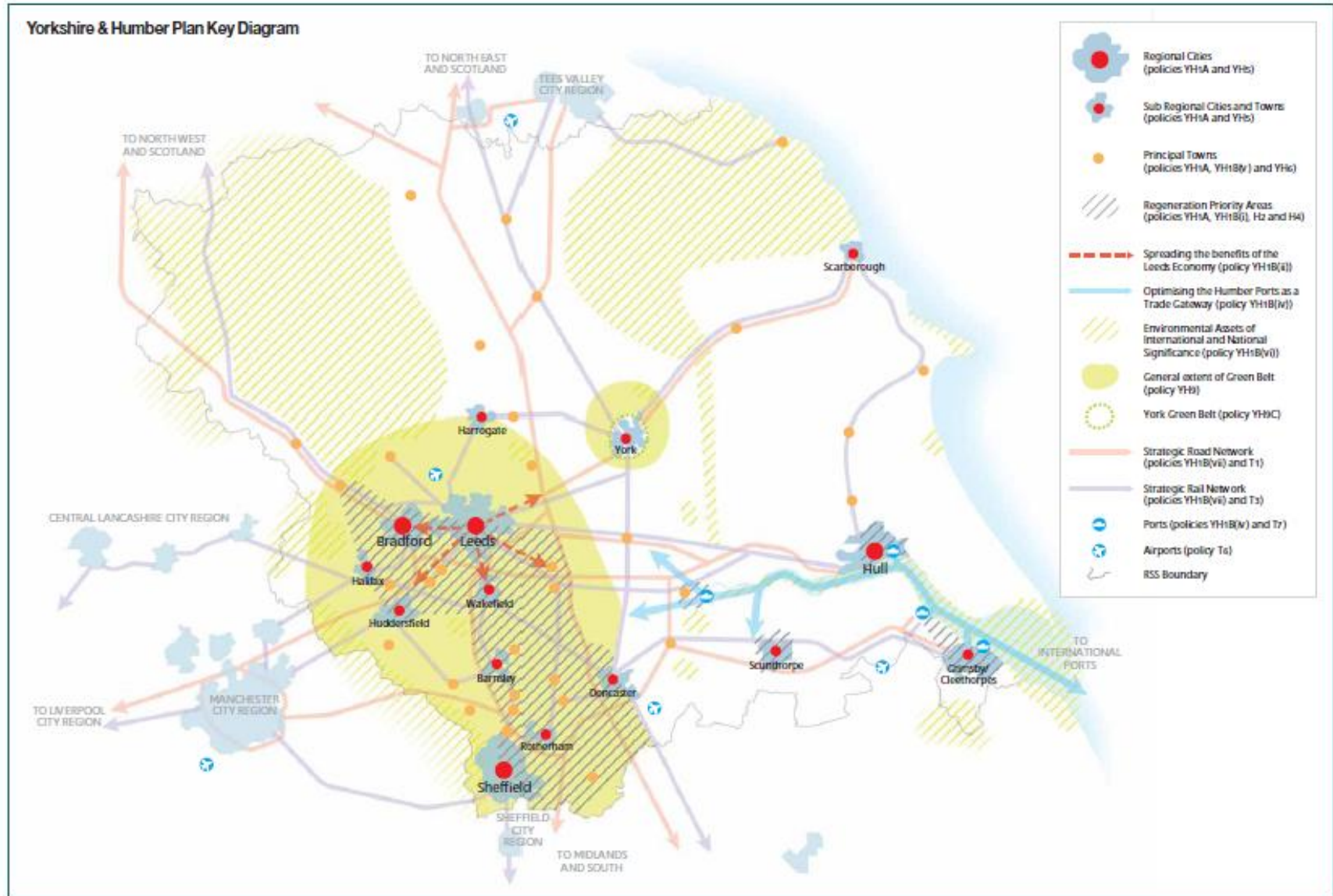
12.2 Further details on the monitoring proposed is set out in section 6 of the Post Adoption Statement, which will be available on the Departmental website shortly.

12.3. Data will be available from the Planning Inspectorate on the submission, examination and adoption of development plan documents. This will enable any review of the success of a localised approach to strategic planning, including the effectiveness of the duty to co-operate, to take place.

13. Contact

13.1 Sharmila Meadows at the Department for Communities & Local Government. Tel: 0303 4441673 or email: Sharmila.Meadows@communities.gsi.gov.uk can answer any queries regarding the instrument.

Appendix 2: Yorkshire and Humber Plan Regional Spatial Strategy Key Diagram



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