

Cooke, Alison(City Development)

From: Cooke, Alison(City Development) <Alison.Cooke2@york.gov.uk>
Sent: 18 March 2020 15:44
To: 'Alsbury, Craig (Avison Young - UK)'
Cc: Slater, Michael; Ferris, Neil; 'Collard, Tim (Avison Young - UK)'; Macefield, Rachel
Subject: RE: DIO - QEB

Dear Craig,

Thank you for your email and for our conversation last week. I wish to clarify the approach that we have taken to consider the information that the DIO submitted as part of their hearing statement for our first phase local plan hearing sessions. Following previous meetings and dialogue between us, this information was clear in setting out the DIO's position and the evidence supporting the conclusions reached. At the hearings sessions, we committed to considering this information in full and working towards a statement of common ground, as requested by the Inspectors.

Consequently, we have used the evidence submitted – the HRA, visitor survey and mitigation report – to inform the production of our revised HRA. As confirmed at the hearing sessions, we could not consider this prior to or at the sessions in detail as it was a significant volume of new information. City of York Council together with our consultants have now considered this information in detail and we consider that it has been helpful in revisiting the potential effects as a result of all development on Strensall Common SAC and the type of mitigation solutions potentially available.

As agreed at the sessions and through both the CYC and DIO HRA, likely significant effects and adverse effects on the integrity of the SAC cannot be ruled out as a result of recreational pressure from development on Strensall Common and, in terms of the Appropriate Assessment, uncertainty regarding the effectiveness of mitigation. In revisiting the Appropriate Assessment, we have reconsidered all site allocations and policies in the Local Plan. To do this, we have used all of the available evidence, including that submitted by the DIO. We believe this outcome is fully compliant with the People Over Wind ruling. We have endeavoured to set out this discussion within the updated HRA and in our supporting information. We are awaiting this to be finalised but we will share this with you as soon as we are able.

As confirmed in our phone call, the conclusions in relation to ST35 'Queen Elizabeth Barracks' has not changed in our updated HRA, ie we consider that the Council is unable to ascertain that there will not be an adverse effect on the integrity of Strensall Common as a consequence of development at SS19/ST35 and H59(A). It is our view therefore, that our proposed modification to the Plan to remove the site should be taken forward.

We would like to work constructively with you and would be happy to arrange a meeting to discuss the above if that would be useful; Do let us know if you think this would be helpful. In the meantime and as I stated in our conversation, we intend to send through a statement of common ground as soon as we are able to do so to set out the key issues pertaining to ST35 focussing on the conclusions reached in each of our HRAs. As requested by the Inspectors, this is intended to be a 3-way SoCG between CYC, the DIO and Natural England.

Regards,
Alison

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From: Alsbury, Craig (Avison Young - UK) <Craig.Alsbury@avisonyoung.com>

Sent: 10 March 2020 18:47

To: Cooke, Alison(City Development) <Alison.Cooke2@york.gov.uk>

Cc: Slater, Michael <Michael.Slater@york.gov.uk>; Ferris, Neil <Neil.Ferris@york.gov.uk>; Collard, Tim (Avison Young - UK) <Tim.Collard@avisonyoung.com>

Subject: DIO - QEB

Importance: High

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Alison

Many thanks for your call yesterday and for the information supplied.

I have to say that we are disappointed that the Council has set about re-working its HRA without first engaging with DIO. David Elvin QC made it clear to the Inspectors during the Hearing Sessions that the re-working of the HRA would involve a reconsideration of QEB and we expected to be engaged by the Council in this. Moreover, we are disappointed that CYC has not used the DIO Mitigation Measures report as a platform for a constructive dialogue about how mitigation measures could be put to good effect in this instance and, instead, has simply set to work on a preparing a rebuttal. This is frustrating when we believe that, working together in a positive and proactive way, we could deliver a mutually beneficial outcome.

As indicated, we will review the Draft Statement of Matters Agreed and Matters in Dispute when it is supplied next week and will work with you to settle that document as soon as possible. However, it may not be possible to agree it until we have been given an opportunity to fully review the new evidence that you are planning to submit to the Local Plan Inspectors at the end of this month.

Insofar as this new evidence is concerned, I think it would be in all of our interests if this could be shared with DIO before it is released into the public domain and if we could programme a meeting for, say, a week after we receive it so that we can have an early discussion about any key legal matters or matters relating to mitigation measures. Assuming you agree, I would be grateful if you could suggest some dates. Tim and I will then co-ordinate matters at our end.

Regards

Craig Alsbury

Principal

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