

Examination of the City of York Local Plan 2017 – 2033 Phase 3 Hearing Statement.

Matter 5 – Queen Elizabeth Barracks, Strensall (ST35) and Allocation H59.

On behalf of Lovel Developments (Yorkshire) Ltd. (Reference
ID:260 (CD014A))

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Contents.

1. Introduction.....	1
2. Response to the Inspector's Matter 5 Issues and Questions.....	2
Question 5.1 Are the proposed deletions of Policy SS19 and allocations ST35 and H59 necessary for soundness?.....	2
Question 5.2 Could the difficulties identified by the Council and Natural England in relation to either site be overcome?.....	3
Question 5.3 In the event of the deletion of either site or both, what is the intention in relation to the resulting Green Belt boundary?.....	3
Question 5.4 In the event of the retention of either site, or both, are the Green Belt boundaries reasonably derived?.....	3
Question 5.5 If any development of allocation H59 is to be governed by general development control policies, is this sufficient?.....	3
Question 5.6 Is allocation H59 deliverable?.....	3
Question 5.7 Are there any site-specific issues (other than those in 5.2 above) relating to allocation H59?.....	3
Appendix: Land South of Strensall (Site ref: 119).....	4



1. Introduction

- 1.1. This Hearing Statement has been produced by Pegasus Group on behalf of our client, Lovel Developments (Yorkshire) Limited.
- 1.2. In accordance with the transitional arrangements set out in Annex 1 of the revised National Planning Policy Framework (2021), it is understood that the plan is being examined against the previous 2012 version of the Framework. All references within this hearing statement to the National Planning Policy Framework (NPPF) therefore relate to the 2012 version, unless otherwise stated.
- 1.3. Our client wishes to ensure that the City of York Local Plan (CYLP) is prepared in a robust manner that passes the tests of soundness contained in paragraph 182 of the NPPF, namely that the plan is:
 - Positively Prepared;
 - Justified;
 - Effective; and
 - Consistent with national policy.
- 1.4. The CYLP also needs to be legally compliant and adhere to the Duty to Cooperate.
- 1.5. Our client submitted representations to the various stages of plan production including the Publication Draft, Proposed Modifications, Phase 1 and Phase 2 Hearing Sessions and the Local Plan Modifications and Evidence Base Consultation. Despite the Council's attempts to overcome fundamental issues with the CYLP our representations continue to identify several elements where we believe the CYLP is unsound.

2. Response to the Inspector's Matter 5 Issues and Questions

2.1. We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions and provide the following responses to selected questions. Our client reserves the right to respond to specific issues raised by the council and other parties within the hearing session in so far as they relate to our previous representations.

Question 5.1 Are the proposed deletions of Policy SS19 and allocations ST35 and H59 necessary for soundness?

- 2.2. It is understood the deletion of these sites is due to the potential impact upon Strensall Common SAC. Whilst our client does not dispute the removal of these two sites the lack of consideration of alternative sites within Strensall is unjustified and as such unsound.
- 2.3. Strensall has a population of over 6,000 residents¹ and provides a wide range of services and facilities. It is identified as part of the 'Main Built-Up Area of York'². Throughout the different stages of the Local Plan, Strensall has consistently been identified as a Settlement that can accommodate growth. The council's failure to identify other sites within Strensall which would have a lesser impact on Strensall Common places the vibrancy and vitality of this settlement in doubt. The lack of residential allocations is despite the proposed provision of additional employment land within this settlement (E18)³.
- 2.4. As previously discussed in our response to the council's 2021 'Local Plan Modifications and Evidence Base Consultation' our client is promoting two adjacent sites within the plan which can be delivered either together or independent of each other.
- 2.5. Whilst it is considered that both elements could be delivered without detriment to Strensall Common SAC. It should be noted that the northern element (see appendix) of the site is enclosed on all sides and sits comfortably outside the 400m exclusion zone identified around Strensall Common SAC, fulfilling the requirements of new Policy GI2a (see PM70 / PM71). There is also no direct access towards Strensall Common SAC from the site due to the presence of the railway line bounding the southern element of the site. All other requirements of new Policy GI2a can be provided on site.
- 2.6. The southern element of site sits partially within and partially outside the exclusion zone. It is notable by comparison that both H59 and ST35 sit largely within the exclusion zone (see appendix). Whilst the southern parcel is partially within the exclusion zone our client would be willing to provide a large open space buffer between any development and the common. This could provide significant additional community benefit and mitigate any potential impacts upon the common.

¹ 2011 census

² Local Plan Key Diagram

³ This site is within the 400m exclusion zone identified in PM71



Question 5.2 Could the difficulties identified by the Council and Natural England in relation to either site be overcome?

- 2.7. This is considered an issue for the council to address. It is, however, notable that both sites are closely related to the common and within the 400m exclusion zone (see appendix).

Question 5.3 In the event of the deletion of either site or both, what is the intention in relation to the resulting Green Belt boundary?

- 2.8. This is considered an issue for the council to consider. It is, however, worth noting that both elements of our client's site are enclosed by built development on at least 3 sides and have defensible boundaries.

Question 5.4 In the event of the retention of either site, or both, are the Green Belt boundaries reasonably derived?

- 2.9. This is considered an issue for the council to address.

Question 5.5 If any development of allocation H59 is to be governed by general development control policies, is this sufficient?

- 2.10. This is considered an issue for the council to address.

Question 5.6 Is allocation H59 deliverable?

- 2.11. This is considered an issue for the council and the site promoter to address.

Question 5.7 Are there any site-specific issues (other than those in 5.2 above) relating to allocation H59?

- 2.12. This is considered an issue for the council and the site promoter to address.

Appendix: Land South of Strensall (Site ref: 119)

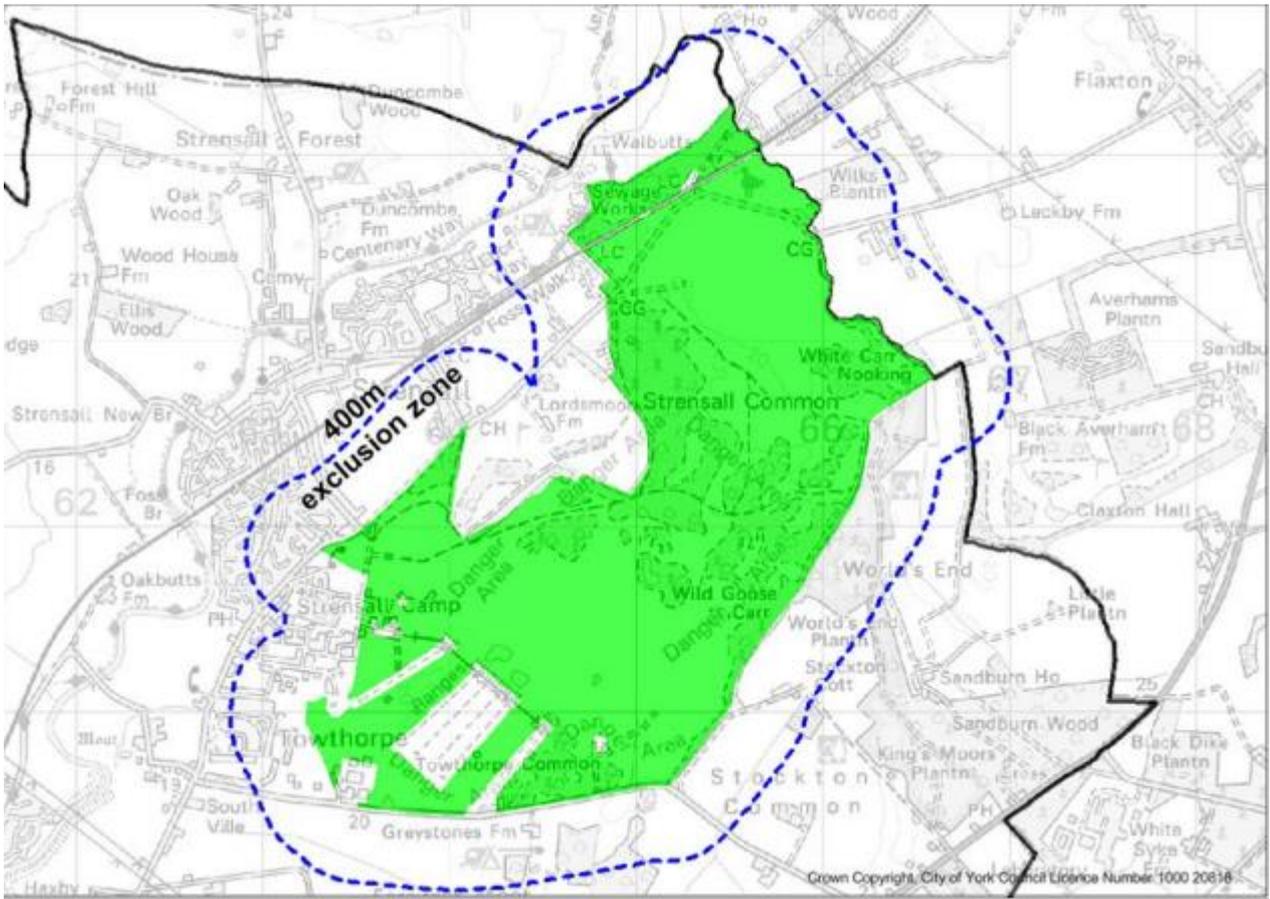
Southern Parcel



Northern Parcel



Proposed 400m Strensall Common SPA Exclusion Zone



Source: PM71 Proposed Modifications post-Phase 1 Hearings (EX/CYC/47)

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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