

Examination of the City of York Local Plan 2017 – 2033 Phase 4 Hearing Statement.

Matter 1 – Green Belt Boundaries.

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

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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, Phase 2 and Phase 3 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 1 Issues and Questions

- 2.1. We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions (MIQs) 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.
- 2.2. In relation to Matter 1 our clients interests lie within the settlement of Strensall. The proposed Green Belt boundaries for this settlement are included within the Topic Paper 1 Addendum Annex 4 'Other Densely Developed Areas' and as such our response relates solely to question 1.3 of the MIQs.
- 2.3. To assist the inspectors and provide context to our comments the sites are identified within appendix 1 of this hearing statement.

Question 1.3 Are the Green Belt boundaries of 'Other Densely Developed Areas' (Topic Paper 1 Addendum Annex 4) reasonably derived?

- 2.4. No. It is our considered opinion that our clients' site should not have been included within the Green Belt. Our reasoning for this conclusion is set out against different elements of the review below.

Parcel Identification

- 2.5. The site our client is promoting is identified as site 119 and various elements thereof. The whole site is covered by a single Green Belt boundary (boundary 4) despite there being two clear parcels of land bisected by a railway line (see appendix).
- 2.6. The council's evidence provides no clear justification for this choice of boundary. Boundary 4 is a large 'horse-shoe' shaped section. The northern elements of which are bisected from the south by a railway line. The northern element is also in close proximity to the main settlement and has clearly defined boundaries on all 4 sides. Whilst we consider all elements of the site can be developed without impacting upon the openness and character of the wider York Green Belt, these variations suggest that the boundary should have been split into smaller sections. The inclusion of both parcels in a single boundary leads to an inappropriate assessment.

Green Belt Purposes

- 2.7. Table 1, below, considers the evidence provided upon Strensall boundary 4 within the topic paper. Our analysis identifies that the development of these two parcels would not have any significant effects upon the openness and character of the Green Belt. For example, the northern parcel is constrained by clear defensible boundaries on all sides. This being built development to the north, east and west and the railway line to the south.
- 2.8. The councils Topic Paper suggests that:

“Development along Boundary 4 (especially north of the railway line) would impact on the historic character of the village and impact the setting of the historic core of the village, including Strensall Conservation Area”

- 2.9. Whilst historic character of the village is an important consideration for development management it is not a reason for inclusion within the Green Belt. NPPF paragraph 80 identifies the five Green Belt purposes and is clear that in relation to the historic environment the Green Belt is restricted to ‘preserving the setting and special character of historic towns’, in this case York. The area to the north of a railway line, adjacent an existing built-up area and separated from the city of York via several miles, other built development and a railway line is not consistent with this interpretation.
- 2.10. Similarly, the area south of the railway line is identified as being required to be kept open to understand the significance of the conservation area. Once again this is a failing for the reasons provided above.
- 2.11. In addition, the presence of Strensall Village Meadows is noted under strategic importance. Once again whilst relevant to development management this is not relevant to the Green Belt purposes. These issues all relate back to the issues with the original Green Belt assessment criticised by the Inspectors in their letter to the council dated 12th June 2020.
- 2.12. Furthermore, if such issues are considered relevant the map on page A4:262 does not identify any of our client’s site as being of any historic character and setting importance. Indeed, other than a small area identified as a nature conservation area none of our clients’ interests fall within any of the criteria identified on page A4:262. There are, therefore, clear contradictions within the council’s evidence.

Table 1: Green Belt purpose analysis

GB Purpose	Boundary 4 summary	Pegasus Comment Northern Parcel	Pegasus Comment Southern Parcel
Purpose 4: Preserving the setting and special character of historic towns – Compactness	Acknowledged contained on 3 sides but would impact upon compactness and have a significant effect on form and character of the village. Including coalescence of The Village, Moor Lane and Lords Moor Lane. Northern section would impact upon historic core of the village and area to south to be kept open to understand significance of conservation area.	<p>The northern parcel is contained on all four sides and would provide a clear ‘rounding’ of the settlement north of the railway line. It would retain a compact feel to the settlement.</p> <p>The references to historic character and form all relate directly to the Strensall Conservation Area rather than the setting of the historic city of York and its setting. These are not, therefore,</p>	<p>The southern element is contained on 3 sides but would not extend beyond the existing built form of the settlement.</p> <p>The discussion of coalescence between different parts of the same settlement is misleading as it does not directly relate this to the setting and special character of historic towns. The development of this area would not extend the developed</p>

		<p>considered relevant. Furthermore, there is no explanation why this is important. These are issues which could be dealt with through a development control application.</p> <p>Development of this parcel would have little or no impact upon the compactness of the village or the wider setting of York.</p>	<p>area of the settlement beyond that existing.</p>
<p>Purpose 4: Preserving the setting and special character of historic towns – Landmark Monuments</p>	<p>Land does not need to be kept permanently open to contribute to the understanding and significance of a building, landmark or monument.</p>	<p>Agreed</p>	<p>Agreed</p>
<p>Purpose 4: Preserving the setting and special character of historic towns – Landscape and Setting</p>	<p>Land needs to be kept permanently open to protect the setting and special character of Strensall village and as part of the wider landscape associated with the historic character and setting of York, to aid the understanding of the historical relationship of the city to its hinterland, particularly as perceived from open approaches.</p>	<p>No specific discussion of boundary 4, therefore difficult to understand how this area is assessed.</p> <p>It should however be noted that the presence of the railway line has an urbanising effect upon the settlement in this location.</p>	<p>No specific discussion of boundary 4, therefore difficult to understand how this area is assessed.</p> <p>It is notable that the site would not extend the built-up area limits of the existing settlement.</p>
<p>Purpose 1: Checking unrestricted sprawl</p>	<p>Substantial area of open agricultural land. Surrounded on 3 sides which could limit the extent to which sprawl could take place. But potential for sprawl</p>	<p>The Council's description is confused and unclear on the one hand suggesting sprawl would be limited but on the other suggesting it will take place.</p>	
		<p>The northern element is completely contained on</p>	<p>The southern element is contained on three sides</p>

	within the 'horseshoe shape'.	all four sides and as such development would be clearly contained. No sprawl would take place.	and would not extend beyond the limits of the existing built-up area. As such no sprawl would take place.
Purpose 3: Safeguarding the countryside from encroachment	General absence of built development, predominantly open rural land. Railway line runs through the open land beyond but does not detract from the countryside setting and constitutes an acceptable use within it.	Agreed limited built development, however, this is characteristic of many of the proposed allocations.	
		The railway line creates a clear boundary for the northern parcel. Given the site is otherwise bounded by development this conclusion is unjustified and appears to simply be due to the methodology being retrofitted to the conclusions.	

Defensible Boundaries

- 2.13. The northern boundary is set using the curtilage of rear gardens. The topic paper does identify the railway line as a possible alternative. The reasons for discounting this boundary is in the 'interests of preventing future sprawl and maintaining the compactness of the village'. Yet Strensall boundary 1 ignores the rear gardens in this location and instead utilises the River Foss, leaving a significant area of open land between the existing built development and the river.
- 2.14. The reasoning for the differing approach between the two areas is unclear and in our opinion unjustified. The railway line provides a far more recognisable and defensible boundary than rear gardens.
- 2.15. Furthermore, our client would be willing to provide a clear and defensible boundary in relation to the southern parcel of their land interests via structural planting and other relevant boundary treatments.

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

Southern Parcel



Northern Parcel



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

.Leeds

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