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**STATEMENT IN
RESPONSE TO
INSPECTORS' MATTERS,
ISSUES AND QUESTION
TO THE EXAMINATION OF
THE CITY OF YORK
LOCAL PLAN 2017-2033**

Phase 2 Hearings

Matter 4 – Spatial Strategy

MARCH 2022

LANGWITH DEVELOPMENT PARTNERSHIP LTD

PARTICIPANT REF 378

Q70385

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1 Introduction

- 1.1 Langwith Development Partnership (LDP¹) is the principal landholder of the land proposed to be allocated under Policy ST15, which is a strategic allocation (Policy SS13), in the draft City of York Local Plan (“Local Plan”).
- 1.2 Delivering a new sustainable garden village proposed in the south east of the City is a key component of the Local Plan’s spatial strategy for housing delivery. The allocation of a new garden village in this part of the City is based on sound and sustainable planning principles. A new settlement is necessary, sustainable and appropriate in this part of York if the City of York Council (CYC) are to meet their housing needs sustainably. Planning for the delivery of a new settlement in south east York is supported by Homes England².
- 1.3 LDP have made representations to each of the relevant stages of the Local Plan’s preparation (Regulation 18, Regulation 19 and the more recent Modifications to the Regulation 19 Plan)³ and appeared at the Stage 1 Hearing Sessions in December 2019.
- 1.4 LDP have demonstrated throughout the Local Plan process that the Local Plan’s spatial strategy, which is in part based on delivering a new garden village in the south east of the City, is sound in principle.
- 1.5 Whilst this Hearing Statement (and others submitted to this stage of Hearings) is not specifically concerned with the details of the allocation, Matter 4 of the Stage 2 Hearings is of relevance to the strategic allocation of a new garden village in this part of the City.
- 1.6 This Statement deals with the various questions raised under Matter 4 including those under the following sections:
 - 1.6.1 Spatial strategy.
 - 1.6.2 Spatial distribution of development.
 - 1.6.3 Site selection process.

¹ Langwith Development Partnership Ltd (LDP) is a joint venture formed by Sandby and the Oakgate/Caddick Group who control all the land required to deliver the new garden village known as Langwith. LDP have joint land holding interests in the south east part of the City, to the north of Elvington (south of the A64). Both parties, have jointly, and individually, been participants in the preparation of the City of York Local Plan (the Local Plan) for over six years.

² Homes England have awarded CYC funding under their Garden Communities Capacity Fund to assist in the formulation of their evidence base to support the delivery of a new garden village in south east York.

³ Representations were submitted by LDP (or companies that constitute LDP), including those (i) in September 2016 to the City of York Local Plan – Preferred Sites Consultation (June 2016), (ii) the later submission of a Site Promotion Document (Quod) in October 2017, followed by (iii) representations (in March 2018) to the City of York Local Plan - Publication Draft (February 2018 ([CD014g](#))), (iv) representations to the York Local Plan Proposed Modifications (June 2019) and associated Background Documents, in July 2019 ([EX/CYC/21b – PMSID378](#)) and (v) the Proposed Modifications and Evidence Base consultation in May 2021 ([EX/CYC/66e – PMSID378i – SID378xvii](#)).

- 1.7 It is LDP's view that given the evidence base of the Local Plan and, notably, the misgivings with that evidence and the foundations of the policy approach to the Plan, that significant modifications to the Plan are necessary. This is explained in LDP's Hearing Statement regarding Matter 1 (see Section 1 of that Statement) where it is respectfully suggested that the Inspectors consider the following modifications:
- 1.7.1 A "broad location for growth" policy for the proposed Garden Village allocation on Land West of Elvington Lane (which would be brought forward under a separate DPD); and
 - 1.7.2 For the Local Plan to expressly recognise, and commit to, an immediate and prompt review and update which will be necessary if the Local Plan is adopted under the transitional arrangements. It is explained in LDP's Statement 2 that in such a case, , a Local Plan based on the 2012 NPPF approach of OAN would be significantly below the outcomes arising from applying the SM of NPPF 2021 and correspondingly insufficient provision for employment land. This is because the evidence base at the Local Plan does not reflect the approach now required under latest Government Policy (in NPPF 2021, and its associated NPPG), which is a material consideration in all current development management decisions.
 - 1.7.3 In the alternative to the approach suggested in 1.8.2 above, the economic evidence should be updated (see LDP's comments in Statements 2 and 3) as part of this Local Plan examination, to better reflect economic circumstances prevailing (and projected) in York with consequent (upward) changes to the housing need target, which are likely to be similar to SM.

2 Spatial Strategy

Question 4.1: Is the Spatial Strategy set out in the Plan based on an appropriate and reasonable assessment and justified by robust evidence?

- 2.1 The spatial strategy for York is set out in Policy SS1. For the reasons set out in LDP's representations to the Proposed Modifications and Evidence Base consultation in May 2021⁴ the evidence base for both housing need and employment need is both inappropriate and out of date and underestimates the true housing and employment needs within the City. As a consequence, the housing and employment needs expressed in the Policy should be updated through modifications.
- 2.2 CYC are in unusual position, whereby the Local Plan is being considered against national policy which is 10 years old, and there have been significant and meaningful changes to both policy during that period as well as the Government's mandated calculation for assessing housing need.
- 2.3 There are therefore complications with reconciling changing national policies in the adoption of this Local Plan, and these complications are further compounded by the delays in the examination of this Local Plan (which was submitted to the Secretary of State almost 4 years ago, since which there have been significant changes to policy and circumstances related to planning for development in York).
- 2.4 It has already been explained in LDP's Representations⁵ (and Matter 2 Hearing Statement) that if this Local Plan is adopted under the policies, and OAN assessment required by NPPF 2012, there will need to be an immediate review, given that the housing need will be a serious underestimate of the true housing need (as reflected in the SM).
- 2.5 Furthermore, given the Local Plan has been so long in gestation, and is unlikely to be adopted until 2023 at the earliest, it is notable that the plan period remaining will be circa 10 years (ie, the plan period extends to only 2032/2033).

⁴ , ⁵ Representations were submitted by LDP (or companies that constitute LDP), including those (i) in September 2016 to the City of York Local Plan – Preferred Sites Consultation (June 2016), (ii) the later submission of a Site Promotion Document (Quod) in October 2017, followed by (iii) representations (in March 2018) to the City of York Local Plan - Publication Draft (February 2018 ([CD014g](#))), (iv) representations to the York Local Plan Proposed Modifications (June 2019) and associated Background Documents, in July 2019 ([EX/CYC/21b – PMSID378](#) and (v) the Proposed Modifications and Evidence Base consultation in May 2021 ([EX/CYC/66e – PMSID378i – SID378xvii](#)).

- 2.6 NPPF 2012 states that plans should be drawn up over an appropriate timescale and “... preferably a 15 year time horizon...”, as well as “take account of longer-term requirements”⁶. The more recent NPPF 2021 has a similar requirement for strategic policies, requiring them to cover a 15-year period from adoption; in fact, NPPF 2021 applies a stricter requirement stating that strategic policies should look at a period of a “minimum” of 15 years.
- 2.7 Consequently, for the reasons outlined in LDP’s representations the plan period covered by the Local Plan, following adoption, will only be 10 years, and we respectfully suggest that this should be extended to 15 years i.e. 2037/38, and if not then this would further support a prompt reviews and update.
- 2.8 Furthermore, unless a prompt review and update of the Plan is imposed an CYC (see Statement 1, where LDP suggest a new policy on this matter) in order to take account of the long-term requirements beyond the plan period, especially those arising from major infrastructure and development needs, along with the need to ensure an enduring Green Belt, the Local Plan should account for a further extended time period by at least 5 years (i.e. 2043/43).
- 2.9 Without such modifications, the Local Plan will be no more than a short-term Policy approach for York, and one that fails to take into an account the true housing and employment needs.
- 2.10 In view of the above, we respectfully suggest that policy SS2 is modified in addition to SS1 and notably modified to recognise that the degree of permanence beyond the plan period should recognise that land is identified to meet development needs for a minimum 5 year period beyond an extended (to 2037/38) plan period, i.e. to 2042/43.
- 2.11 Furthermore, for the reasons explained in LDP’s Hearing Statement 1 (Section 1), the broad location for the new Garden Village on Land West of Elvington Lane should be recognised in Policy SS2. In the event that the broad location to growth approach is found sound by the Inspectors, LDP respectfully requests that Policy SS2 is modified as shown below to give the Policy effect.

The general extent of the Green Belt is shown on the Key Diagram save for the broad location for the Garden Village on land West of Elvington Lane, detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

Question 4.2: Is the approach taken in informing the Spatial Strategy and the distribution of development across the Plan area justified, effective and in accordance with national policy?

- 2.12 LDP’s comments in relation to Q 4.2 relate to a distribution of housing development only, and for the reasons already explained in LDP’s previous representations to the Local Plan, including those to the stage 1 Hearings (Matter 2), it is demonstrated that the spatial strategy for distribution of housing development is justified and effective as well as being in accordance with national policy.

⁶ Paragraph 157 of NPPF 2012.

- 2.13 Notably the distribution of housing has been through the adoption of a systematic approach to meet housing (and other needs is explained in the Topic Paper TP1⁷ and the Addendum to TP1⁸).
- 2.14 The spatial approach to identifying and prioritising development on suitable sites within the urban area and thereafter identifying sites beyond the urban area is clearly rationalised within this evidence base. Of particular note is the especial attention in that approach that has been taken in relation to heritage matters, given the international recognition of the City's heritage qualities, and the need to conserve and enhance that unique historic environment.
- 2.15 In order to protect and conserve these unique and internationally recognised heritage character, whilst balancing that with meeting development needs, the evidence base has led to a spatial that requires new garden villages outside the City's built boundaries in order to protect the heritage character of the City.
- 2.16 The justification therefor for a new Garden Village on Land West of Elvington Lane is robustly evidenced and justified. Most notably, a new Garden Village in this location both complements and reinforces the existing settlement pattern around York which is comprised of a series of villages around the City⁹.

Question 4.3: Does Policy SS1 provide an appropriate basis for the delivery of sustainable development and growth within the City of York?

- 2.17 Please refer to the response above to Q 4.1 and 4.2.
- 2.18 In addition, LDP consider that more emphasis should be placed in Policy SS1 (which is already proposed for modifications¹⁰) that in determining the best location for development, specific regard should be given to the objectives in Policy DP2 and DP3. A specific reference within the Policy SS1 to Policy DP2 and DP3 should therefore be incorporated as shown below.

The location of the development through the plan will be guided by the following five objectives of Policy DP2 and DP3, as well and by the following by spatial principles.

- 2.19 Furthermore, in view of LDP's suggestion that Land West of Elvington Lane should be identified as a "broad location for growth" rather than via site specific allocation, given the lack of appropriate evidence to support the allocation of ST15 (via Policy SS13) we respectfully request that the Policy is further amended as follows:

⁷ [EX/CYC/18](#).

⁸ [EX/CYC/59](#).

⁹ Appendix for [PMSID378](#).

¹⁰ [EX/CYC/58](#).

The identification of the development sites, and the broad location for growth identified on Land West of Elvington Lane, is underpinned by the principle of ensuring deliverability and viability, additionally, land or buildings identified for economic growth must be attracted to the market.

Question 4.4: Policy SS1 sets out a spatial principle for sustainable modes of transport and Paragraph 3.12 of the submitted Plan says support will be provided for a pattern of development that favours and facilitates the use of more sustainable transport to minimise the future growth of traffic.

a) How does the Plan deliver this?

b) What evidence is there that the Spatial Strategy delivers what Paragraph 3.12 of the submitted Plan says?

c) Is it the most appropriate strategy when assessed against alternatives?

2.20 The spatial distribution of development growth in the Local Plan has paid regard to sustainable transport. Notably, in relation to the location of growth in the south east of the City (i.e. on Land West of Elvington Lane) this area has been recognised given its ability to link into existing transport infrastructure including the public transport links that exist at the nearby University, as well as those serving the existing settlements around the south-east of the City.

2.21 Furthermore, through positive planning policy (for example, as expressed in Policy SS13 relating to the Land West of Elvington Lane) public transport improvements to existing networks are promoted within the Local Plan.

2.22 However, presently it is notably that the transport modelling for underpinning the Local Plan is not publicly available, and LDP reserve the right to comment further on this in due course (when the modelling has been issued).

2.23 It will be demonstrated at the Stage 3 Hearing sessions that the broad location of the Land West of Elvington Lane is both close to the City, and the existing public transport network and also within a convenient walking and cycle distance of major employment, and services, including those at York University and the nearby Elvington Business Park. Furthermore, through masterplanning, those cycle and walking links can be improved and these can be managed through criteria in Policy SS13.

Question 4.5: Is the proposed approach to new development and its location, as outlined by Policy SS1, sufficiently clear within the submitted Plan and is it supported by a robust and up to date evidence base?

2.24 Please refer to the above, which deals with this question.

Summary

- 2.25 In the event that the Inspectors consider it is appropriate to address the current lack of requisite evidence to support the specific boundaries of the Garden Village at Land West of Elvington Lane, there will need to be a wider review and update (including subsequent modifications) of the Local Plan policies (and their reasoned justification) beyond this outlined above.

3 Spatial Distribution of Development

Question 4.6: Are the (broad) locations for new development the most appropriate locations when considered against all reasonable alternatives?

- 3.1 LDP support CYC's approach to the spatial distribution of development, in respect of the (broad) location for new development on Land West of Elvington Lane. CYC's evidence is robust in respect of justifying this broad location and the CYC have considered it against all of the reasonable alternative.
- 3.2 Most notably, the broad location for growth in the south east of the City is underpinned by strong environmental economic and social objectives which will help CYC meet its development needs in sustainable spatial strategy.

Question 4.7: What factors have influenced the distribution of development proposed?

- 3.3 The distribution of development has followed a process of identifying the "shapers" as explained in Section 3 of the TP1 Addendum (March 2019)¹¹. It is explained that the Local Plan's site selection process to meet the development growth needs of the City has been guided by a range of "shapers" which in LDP's views are appropriate to determine the Spatial Strategy.
- 3.4 This work has overlapped with the identification of the Green Belt boundary, for example where one of the "shapers" has been to conserve and enhance York's historic environment.

Question 4.8: Are the factors which shape growth, as set out in Section 3 of the Plan, clearly explained, justified and set out and are they supported by robust and up to date evidence?

- 3.5 The "shapers" for the distribution of development are clearly explained in Section 3 of the Local Plan and the supporting evidence that underpins those "shapers" justifies the growth pattern proposed in the Local Plan.
- 3.6 In respect of LDP's interests in York this is particularly notable in the approach to identifying an area for housing growth to the West of Elvington Lane.

¹¹ [EX/CYC/18](#).

Question 4.9: With regard to the impact of distribution of development on the transport network:

- a) What role has the transport appraisal had in influencing the distribution of development?*
- b) Is the Council's transport evidence robust and adequately up to date?*
- c) What are the cumulative impacts on the transport network of the spatial distribution of development set out in the Plan and are any adverse impacts severe? If so, how has that been addressed?*

3.7 At the time of preparing this hearing statement, transport modelling has not been published by CYC. LDP have however been working with CYC on the modelling and the broad location of development proposed on Land to the West of Elvington Lane. This includes LDP providing CYC with modelling information that demonstrates that circa 4000 new homes in this broad location can be accommodated within the existing highway infrastructure but subject to its upgrade. This evidence has also demonstrated that the highway infrastructure improvements are deliverable, as well as the creation of the two new requisite highway links (to the A64 and Elvington Lane) between the Garden Village and the existing highway network. However, at the time of preparing this Hearing Statement the conclusion and outputs of CYC's own modelling is awaited and this will determine the scope and need for highway improvements and new infrastructure (notably a grade separated junction to the A64, a new link road between the garden village and the A64 junction and an access of Elvington Lane).

3.8 These are matters that are currently the subject of ongoing discussion with CYC, and Homes England. It is intended that at the Stage 3 Hearing sessions LDP will have statements of common ground on these matters with CYC.

Question 4.10: What role has the sustainability appraisal had in influencing the distribution of development?

3.9 LDP do not comment on this matter.

4 Site Selection Process

Question 4.9: With regard to the sites proposed for all types of development (i.e. housing and non-housing):

- a) How have the sites been identified, assessed and selected?*
- b) Is the methodology used for each justified?*
- c) What role has the Sustainability Appraisal had in this process?*
- d) Have any site size thresholds been applied in the site selection process? If so, what, how and why?*

For the above question, we ask the Council to set out the site selection process for each different use of sites including housing, employment and education.

- 4.1 LDP do not comment on this matter at this stage but reserve the right to participate in the discussion at the hearing.

Question 4.10: How has the Council taken into account Green Belt issues in the site selection process? In particular:

- a) has the openness of the sites considered, and the degree to which that openness contributes to the fundamental aim of Green Belt policy (preventing urban sprawl by keeping land permanently open), been taken into account?*
- b) has the degree to which land does or does not serve the purposes of including land in the Green Belt been an influencing factor?*
- c) have any reasonable alternative sites been rejected on the basis that the Council considered that it could not demonstrate the 'exceptional circumstances' it considered necessary to justify including the site in the supply? If so, in the light of our views concerning 'exceptional circumstances' (which is set out in our letter dated 12 June 2020 (EX/INS/15)), is that a problem?*

- 4.2 Question 4.10 is largely to be answered by CYC. It is however clear that the Local Plan's spatial distribution of development is largely dictated by the CYC's primary objective and vision of protecting the unique heritage character of the City will require development within the broad area of the Green Belt of the City.

- 4.3 Whilst it is appreciated by LDP that this Hearing session does not deal specifically with site specific matters and this is left to Stage 3 of the hearings, it is noted by LDP at this point that the general location of a new Garden Village in the area to the West of Elvington Lane is based on sound planning grounds, underpinned by respecting the 5 Green Belt principles as outlined in Paragraph 80 of NPPF 2012. It is, therefore, LPD's view that the site selection for the broad location for growth through the provision of a new Garden Village in south east York is, therefore, soundly based, the detailed boundary setting, along with the form and nature of the Garden Village have not been justified by appropriate evidence.

- 4.4 The evidence of LDP¹² demonstrates the Land to the West of Elvington Lane proposed for a Garden Village will help to preserve the setting and special character of York, given that it is set well away from the City (and has been purposefully moved southwards from the A64 in order to ensure that it does not impact, negatively, affect the heritage setting of the City).¹³
- 4.5 Furthermore, given that this broad location is separated from the City's built up area, it will help to restrict the urban sprawl of large built up areas and will not cause on towns merging into one another.
- 4.6 Also, given that there is a substantial area of brownfield land the in this broad location, it can largely safeguard the countryside from encroachment, and furthermore would not undermine urban regeneration, and would in fact result in recycling of previously developed land.
- 4.7 As the Green Belt boundaries are being set for the first time, careful setting of the boundaries and the development form and nature of the Garden Village are necessary. LDP respectfully suggest this should proceed through a future DPD. This would enable the boundaries to be set in a manner which can mitigate the impact of the Garden Village in this area and ensure it fully responds to the five purposes of Green Belt¹⁴.

Question 4.11: Have any other factors come forward - or steps been taken - since the sites identified in the Plan were selected which would exclude any sites from inclusion in the Plan for any particular reason? If so, what and why?

- 4.8 LDP do not comment on this matter but reserve the right to participate in the Hearing session on Question 4.11.

¹² Representations were submitted by LDP (or companies that constitute LDP), including those (i) in September 2016 to the City of York Local Plan – Preferred Sites Consultation (June 2016), (ii) the later submission of a Site Promotion Document (Quod) in October 2017, followed by (iii) representations (in March 2018) to the City of York Local Plan - Publication Draft (February 2018 ([CD014g](#))), (iv) representations to the York Local Plan Proposed Modifications (June 2019) and associated Background Documents, in July 2019 ([EX/CYC/21b – PMSID378](#) and (v) the Proposed Modifications and Evidence Base consultation in May 2021 ([EX/CYC/66e – PMSID378i – SID378xvii](#)).

¹³ [CD014g](#).

¹⁴ Paragraph 18 of NPPF 2012.



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