

**ST15**  
**STATEMENT OF COMMON GROUND**  
**for City of York Local Plan Publication Draft 2018**  
**1<sup>st</sup> Phase of Hearings**

DATE OF HEARINGS: 10<sup>th</sup>-19<sup>th</sup> December 2019

SITE NAME: Land to the West of Elvington Lane

**PARTIES:**

REPRESENTORS [SID 378]: Langwith Development Partnership  
(LDP)

LOCAL PLANNING  
AUTHORITY: City of York Council

**INTRODUCTION:**

- 1.1 The purpose of this Statement of Common Ground (SoCG) is to inform the Inspectors and other groups about the areas of agreement or disagreement between City of York Council (CYC) and LDP in order to save time during the first phase Hearing process.
- 1.2 The topics covered in this SoCG are particularly in relation to the strategic matters for the 1<sup>st</sup> phase of Local Plan Hearings.
- 1.3 The approach set out in this SOCG is in accordance with the requirements within the Government's Planning Practice Guidance.

**BACKGROUND:**

- 1.4 LDP are formed of two parties, Sandby and the Oakgate/Caddick Group, who control a significant proportion of land proposed in the proposed Strategic Housing Allocation ST15, and site designation OS10 (required as biodiversity off setting for ST15); they control all of the land required to deliver the alternative site allocation (Langwith) and the land required for biodiversity off-setting of Langwith. Both parties have been engaged in the Local Plan process in relation of Strategic Housing Allocation ST15, including participation in the following:
  - In September 2016 to the City of York Local Plan – Preferred Sites Consultation (June 2016);
  - The later submission of a Site Promotion Document (Quod) in October 2017;

- Representations (in March 2018) to the City of York Local Plan – Publication Draft (February 2018); and
- Representations to the York Local Plan Proposed Modifications (June 2019) and associated Background Documents, in July 2019.

LDP & CYC support the strategic policy approach of new settlements and the spatial distribution / allocation of land for a new garden village in the South East of the City. LDP & CYC recognize that at a high level it is a sustainable way of meeting CYC's housing needs, as part of a wider strategy. LDP have consistently objected to the boundary of the ST15 allocation, which they consider is unproven to be deliverable on a number of fronts. LDP have proposed an alternative allocation (referred to as Langwith), which they consider more appropriate in PM SID:378 (see EX/CYC/21b). LDP, however, continue to engage with CYC in order to determine common ground, and an appropriate boundary for this strategic allocation.

### **MATTERS ON WHICH PARTIES AGREE:**

The following have been identified as matters on which the parties agree on as areas of common ground:

#### **1. Legal compliance**

##### Duty to Co-operate

The Plan has been prepared in accordance with the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 in that CYC has, at a high level, co-operated with neighbouring authorities and prescribed bodies through constructive and on-going engagement on the impacts of sustainable development as set out in CD020 EX/CYC/7a and EX/CYC/23.

##### Habitats Regulations Assessment (HRA)

In respect of ST15, the updated HRA [EX/CYC/14C] findings in relation to the following matters are agreed:

- likely significant effects from development on Lower Derwent Valley (LDV)

- results presented are sufficient to rule out adverse effects on the integrity of the site with respect to recreation for any single development alone, unless they are large-scale and within 1km of which ST15 is not; and
- there are no adverse effects on the integrity of the site in relation to recreational pressure for the quantum of development proposed in ST15 as a whole (i.e. in-combination).

The parties will continue to engage through the examination period prior to Phase 2 of the Hearings to agree a recreational strategy for ST15 (or an amended boundary of that presently in the draft Local Plan) and ecological strategy to identify appropriate mitigation.

## **2. The housing strategy: the objectively assessed need for housing, the housing requirement and the spatial distribution of housing**

### The Housing Market Area

The York SHMA 2016 [CD051] identifies Selby and York as a joint Housing Market Area; LDP consider this appropriate on the evidence presented to date.

In the specific circumstances, and especially the timings of preparing, the York Local Plan, it is appropriate that the York Local Plan seeks to meet all its own full objectively assessed housing need within the authority's boundary.

### Spatial Distribution of Housing

The spatial shapers identified in Policy SS1 are appropriate in determining the location of development in York.

The City of York Local Plan's development strategy as set out in Policy SS1 [CD001] reflects the most appropriate strategy, when considered against the reasonable alternatives in the Sustainability Appraisal [CD008, CD098, CD011 and EX/CYC/24a], based on proportionate and updated evidence.

The spatial strategy principles have been appropriately used to develop the pattern of development as identified on the key diagram. The spatial distribution of housing based upon Policy SS1 is supported.

### **3. Green Belt: Principles, the approach to defining Green Belt boundaries, exceptional circumstances and the approach to identifying land to be 'released' from the Green Belt for development.**

#### Principle of Green Belt

The principle and general extent of York's Green Belt is established by the Regional Spatial Strategy (RSS) through saved RSS policies YH9(C) and Y1 (C1 and C2) [CD021]. The City of York Local Plan is therefore not seeking to establish new Green Belt.

The City of York Local Plan is tasked with justifying the detailed inner and outer boundaries of the existing York Green Belt.

The City of York Local Plan approach to the York Green Belt is appropriate and in compliance with the NPPF 2012 as:

- Detailed inner and outer limits have been established which seek to protect spatial and visual openness, promote sustainable patterns of development and ensure consistency with the Local Plan strategy.
- Development is firstly directed towards urban areas, towns and villages inset within the York Green Belt.
- Exceptional Circumstances are required to remove land from the Green Belt to be in line with NPPF. Exceptional circumstances can take many forms, including these summarised in section 7.g of the Green Belt TP1 Addendum [EX/CYC/18] given there is insufficient capacity on suitable and deliverable sites within the existing urban areas of York to be able to meet York's Development needs.
- The exceptional circumstances presented in section 7.g of the Green Belt Addendum [EX/CYC/18] are in line with the 5 tests set out in *Calverton Parish Council v Greater Nottingham Councils* (2015) EWHC.

The York Local Plan identifies strategic allocations with build-out rates to 2038. LDP does not agree with the delivery trajectory for ST15 – see PM SID:378. In spite of this, it is agreed between both parties that where appropriate trajectories are identified, this can offer certainty to masterplan developments in line with sustainable principles, as well as establish an enduring green belt beyond the plan

period. As such, this approach would negate the need for safeguarded land and be a sustainable option.

- Notwithstanding the differing opinions of LDP and CYC with regard to the appropriate boundary of allocation ST15, removing land from the Green Belt, and delivering a garden village, in the south east of the City’s administrative area, is in accordance with the City of York Local Plan spatial strategy and SHLAA methodology [SD0049] which promotes sustainable patterns of development while protecting land which needs to be kept permanently open and preventing urban sprawl.
- The general context of the Land proposed to be removed from the York Green Belt has been selected so as to cause the least harm to the historic character and setting of the City with high level mitigation assessed through Heritage Impact Appraisals.

**MATTERS ON WHICH PARTIES DISAGREE:**

The following have been identified as matters on which the parties disagree relating to the strategic matters of

<b><u>The Objectively Assessed Housing Need (OAHN)</u></b>	
<b>Agent/Developer</b>	<b>LPA</b>
The Housing Needs Update (July 2019) does not provide an appropriate evidence base to determine York’s OAHN.	<p>The City of York Housing Needs Update (January 2019) [EX/CYC/9] is a robust evidence base approach prepared in accordance with the PPG under the NPPF (2012), applying transitional arrangements, to take into account the 2016-based SNPP and household projections and the 2017 mid-Year Population Estimates (MYE) as the most recent demographic data.</p> <p>The OAHN has been derived through a robust assessment of housing need which as per the PPG examines demographic need, economic growth, market signals and affordable housing need.</p>

## **The Housing Requirement**

### **Agent/Developer**

See LDP's response to Matter 2 and representations to the City of York Local Plan Proposed Modifications (June 2019).

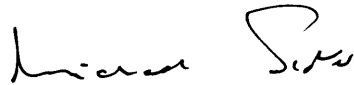
### **LPA**

As set out in SA Report Addendum [EX/CYC/24a], the Housing Needs Update, January 2019 (GL Hearn) [EX/CYC/9] is prepared in accordance with the PPG under the NPPF (2012), applying transitional arrangements, and is a detailed review of the latest national and sub-national 2016 based population and household projections and the latest mid-year population estimates and determines the most appropriate housing figure for inclusion within the Local Plan

THIS STATEMENT OF COMMON GROUND HAS BEEN AGREED BY:

CITY OF YORK COUNCIL

Signed

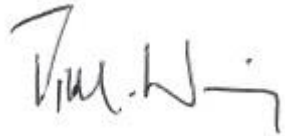
A handwritten signature in black ink, appearing to read "Mike Slater".

Name Mike Slater

Dated 17 December 2019

Agents/Developers of (LDP)

Signed

A handwritten signature in black ink, appearing to read "Tim Waring".

Name Tim Waring

Dated 16 December 2019