



Quod

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

Phase 2 Hearings

Matter 6 – Infrastructure
Requirements, Delivery and
Development Viability

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 8 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 8 including those under the following section:
 - 1.6.1 Climate Change.
- 1.7 This Statement has been prepared by Quod.

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](#)).

- 1.8 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:
- 1.8.1 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
 - 1.8.2 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.
 - 1.8.3 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 Infrastructure Requirements, Delivery and Development Viability

Question 6.1: What are the key infrastructure requirements for the successful delivery of the housing and economic development planned?

- 2.1 National planning policy requires local planning authorities to understand infrastructure requirements in order to support development in the local plan.⁴
- 2.2 LDP understand that the required infrastructure to support the Local Plan is presently addressed in the Local Plan Infrastructure Delivery Plan (IDP) (May 2018)⁵, although this is now of some age and as briefly outlined below incomplete in large parts.
- 2.3 More recently CYC has produced a Gantt Chart⁶ which seeks to set a broad program for delivering the infrastructure requirements over the plan period (and beyond).LDP comment on this below.
- 2.4 LDP understand from discussions with CYC that the infrastructure requirements in the Gantt Chart is a “live” document and the programming for delivery and cost of delivery of the infrastructure is under review. Therefore, what is presented in the Gantt Chart is only illustrative. In the view of this, LDP cannot comment further at this stage on the infrastructure requirements and reserve the right to comment further once this information has been published by CYC (which is anticipated prior to the start of the Stage 2 Hearings).
- 2.5 LDP notably reserve the right to comment on the proposed infrastructure requirements for the Garden Village on Land to the West of Elvington Lane, but note at this stage that the Gantt Chart suggests delivery of new homes is likely to start in 2024/2025.LDP have provided technical information and been in some discussions with CYC in connection with the location, form & costs of the new junction access as well as the need for a second access (from Elvington Lane), a public transport strategy and biodiversity matters on Land West of Elvington Lane, albeit that has been without prejudice to whether the delivery of new homes via a Garden Village takes the form of ST15 or Langwith (see the housing delivery trajectory at Appendix 3 of LDP’s 2021 Representations⁷).
- 2.6 The Gantt Chart suggests the following infrastructure is required (with an indicative cost provided in some cases).

⁴ “It is equally important that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authority’s understand district wide development plans at the time local plans are drawn up.” (Paragraphs 77 of NPPF 2012).

⁵ [SD128](#) (which is an update of [SD126](#)).

⁶ [EX/CYC/70](#).

⁷ [PMSID378i – SID378xvii](#).

- Primary education (2,3⁸ form entry or 5-6 form primary school) to be funded by the developer (£28 million) and delivery indicated as being 2030/31 and 2031/32⁹.
- Secondary education (to deliver additional secondary school places) via a developer contribution (£10-20 million¹⁰). Delivery is projected in the Gantt Chart as being during years 2025/26 and 2026/27 even though only a limited number of homes will have been delivered by that time according to the trajectory.
- Highway enhancement including a new junction access at A64 (location TBC and also relates to ST27), but with no vehicle access via Heslington village. Delivery of these highway improvements are scheduled to take place over a 12 year period commencing in 2026/27. No indicative costs are however provided for these works.

2.7 The Gantt Chart is evidently illustrative only at present, as for example the costs of the infrastructure outlined in the Gantt Chart are suggested as being “indicative” and presently lacks no precision. For example, in identifying the Infrastructure Project and Programme, the costs (where they are provided) in the table are expressed as being either indicative or actual, albeit it is not clear which of the two categories the costs fall into. Furthermore, the funding sources are not precise (ie, the Table references various funding sources but and acknowledges through an asterisk that in some case funding sources are not yet known).

2.8 It is especially notable from the Gantt Chart that CYC expect delivery of homes to start on the site prior to the introduction of a grade separated junction (there is anticipated to be at least 2 years of housing delivery before works start on a new junction on the A64 and in this respect a second access is accepted from Elvington Lane in order to serve the development).

2.9 There is a disconnection between the Gantt Chart and the requirements for Land to the West of Elvington Lane set out in the IDP¹¹, which is the only evidence base before the Examination of this Local Plan, and which lacks any details (i.e., it does not contain evidence of the costs, and in some cases no costings, for the infrastructure requirements). Where for example the following are contained in the IDP:

- The new junction on the A64 is proposed to be delivered over a five-year period, during Year 6 – 10 of the Plan (which according to the IDP would be 2021 onwards).
- Provision of a four-form primary school at a cost of £12 million.
- Provision of a community hall at a cost of £0.9 million.
- Provision of public transport links through new bus service provision (cost to be determined).
- New dedicated public transport cycle route linking the settlement to York’s highway network and urban centre (cost to be determined).
- New junction (A64) (cost £17 million).
- District heating (at a cost of £6.2 million).

⁸ LDP understand this to be 2 x 3 FE schools, although clarification is required by CYC.

⁹ It is not clear if this programme suggests either of the two alternatives will be delivered by 2031/32.

¹⁰ This is a broad cost range.

¹¹ [SD128](#) (plus the Addendum to Annex 4 of IDP and Errata Addendum to IDP published in 2018. [EX/CYC/7b](#) and [EX/CYC/7c](#).

- 2.10 It is notable that there is no indication in the IDP of the cost of secondary school provision required for the Garden Village.
- 2.11 Since the publication of the IDP and the Gantt Chart, no evidence has been published by CYC to explain the timing, costs and justification for the infrastructure requirements. These are critical in determining the soundness of the Local Plan, and LDP await clarification from CYC on these matters.
- 2.12 It is, however, worth noting at this point that LDP have carried out their own delivery and viability evidence for the delivery of a new Garden Village (Langwith) in this broad location, incorporating the infrastructure requirements of the IDP, which is shown to be both deliverable and viable. This is a matter that will be discussed at the Stage 3 Hearing sessions.
- 2.13 Given the above matters, LDP reserve the right to comment on this further evidence when it is published and refer to the matters outlined above.

Question 6.2: Does the Plan take a justified and suitably evidenced-based approach to infrastructure requirements and delivery? Does it set out the infrastructure requirements arising from the level of growth / new development proposed in the Plan in sufficient detail?

- 2.14 In answer to Question 6.2, LDP reserve the right to comment on CYC's further evidence once it is published.

Question 6.3: The Council has provided an update to the infrastructure requirements for the planned growth set out in the Plan [EX/CYC/70] which builds upon the Infrastructure Plan 2018 (the IDP) [SD128] that was submitted with the Plan and a subsequent update to Annex 4 of the IDP, published and submitted in November 2018 [EX/CYC/7b and EX/CYC/7c]. What reassurances are there that the elements set out in this evidence can, and will, be delivered when and where they are needed?

- 2.15 LDP reserve the right to comment on Question 6.3 once the CYC's evidence has been provided in answer to this question.

Question 6.4: Has the cost of these infrastructure elements been estimated reasonably, robustly and with justification and are appropriate and realistic funding sources identified?

- 2.16 LDP are unaware of any evidence where the cost of the infrastructure elements is justified, and they therefore reserve their right to comment on any further evidence provided by CYC.

2.17 The Inspectors are advised at this point that LDP have been engaging with CYC over the course of the past five years on infrastructure costing, such as the delivery of the grade separated junction (to the A64) and other infrastructure. Notably, LDP have undertaken a considerable level of detailed work on the location, design & cost of delivering the grade separated junction, and in sharing this with CYC, there has been a broad level of agreement on costs as we understand matters. This information will be presented (and anticipated as a Statement of Common Ground) at the Stage 3 Hearing Sessions on site specific matters.

Question 6.5: Does the evidence base support the site allocations and demonstrate that they are viable and deliverable, having regard to all of the policies contained within the Plan, including in relation to the provision of necessary infrastructure?

2.18 As above, LDP reserve the right to comment further once the CYC's evidence in answer to this question is published.

Question 6.6: In terms of the provision of necessary infrastructure, are the viability assessments contained within the evidence base sufficiently robust and are they based on reasonable assumptions? In particular:

- a) do the viability assessments adequately reflect the nature and circumstances of the proposed allocations?*
- b) has the cost of the full range of expected requirements on new housing been taken into account, including those arising through policy requirements identified by the Plan (e.g. affordable housing and infrastructure)?*
- c) have the costs of upgrading the strategic transport infrastructure been suitably identified in the Infrastructure Delivery Plan (IDP) and have necessary mechanisms for securing it been incorporated into the Plan? If not, why not and what are the implications for the delivery of the Plan?*
- d) have the costs of meeting education needs been identified in the IDP and has the necessary mechanism for funding been secured to provide for those needs? If not, why not and what are the implications for the delivery of the Plan?*
- e) have the costs of ecological mitigation measures been identified in the IDP and has the necessary mechanism for funding been secured? If not, why not and what are the implications for the delivery of the Plan?*
- f) does the evidence base demonstrate that the above costs would not threaten the delivery of the housing and economic growth planned?*
- g) is there a reasonable prospect that the housing and economic development sites identified will come forward for development when anticipated during the Plan period?*
- h) the Council is requested to provide a clear explanation as to what methodology has been used to assess viability and how infrastructure requirements have formed a part of that methodology.*

2.19 As above, LDP reserve the right to comment further once the CYC's evidence in answer to this question is published.

Question 6.7: Is the development proposed in the Plan, as set out in Policy SS1, financially viable?

2.20 As above, LDP reserve the right to comment further once the CYC's evidence in answer to this question is published.

Question 6.8: In what way does the Plan and its policies provide a clear and effective framework for securing the necessary infrastructure or other obligations to support or mitigate the effects of development?

2.21 As above, LDP reserve the right to comment further once CYC's evidence is provided to this question.



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