



Quod

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

Matter 8 – Climate Change

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 Climate Change

Further to our initial Question 1.8 in the Matters, Issues and Questions for Phase 1 of the hearing sessions, we have the following question relating to climate change matters.

Question 8.1: Neither the Planning and Compulsory Purchase Act 2004, the Town and Country Planning Act 1990, nor the associated Regulations, set out specific requirements or targets for local plans in relation to climate change. In light of this, do the Government's wider climate change commitments have any bearing on the legal requirements for, or soundness of, the Plan? If so, what changes are required to make the plan legally compliant and/or sound and why are they necessary?

- 2.1 The Planning and Compulsory Purchase Act 2004 (PCPA 2004) was updated by the Planning Act 2008 (PA2008) in relation to climate change policies. The changes in relation to Development Plan documents, and the application of climate change policies is set out in Section 182 of the PA2008. This inserted into Section 19 of the PCPA 2004, after sub-section (1):

"1a. Development Plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the Local Planning Authority's area contribute to the mitigation of, and adaptation to, climate change".

- 2.2 Consequently, legislation for climate change is provided in section 19 of the PCPA 2004. It is a requirement of the York Local Plan (regardless of the fact that it is being assessed under the transitional arrangements of NPPF 2021) for the Plan to have full regard to the mitigation of, and adaptation to, climate change. Section 20 (5) of the PCPA 2004 states that the purpose of an independent examination is to determine in respect of any development plan document if it satisfies the requirements of Section 19 and 24 as well as the relevant development plan regulations, including Section 33A duty to co-operate. In addition, of course is the test of soundness.
- 2.3 The Climate Change Act (CCAct) 2008 sets the precursor to the changes brought via the PA 2008 in relation to climate change adaptation⁴ and mitigation⁵, setting the target for net zero carbon emissions by 2050. The planning system has a significant role to play in reducing carbon emissions through policies that deliver climate change mitigation and adaptation.
- 2.4 NPPF 2012 notes that Local Plans should set strategic priorities and policies in order to deliver *"climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape"*⁶.

⁴ The NPPF 2021 defines climate change adaptation as: *"adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities."*

⁵ The NPPF 2021 defines climate change mitigation as: *"action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions"*.

⁶ Paragraph 156 of NPPF 2012. This is also contained in NPPF 2021 at paragraph 20(d).

- 2.5 It is notable that CYC have declared a Climate Emergency in March 2019, with the target of becoming a carbon neutral city by 2030, ie, 20 years ahead of the Government's target in the CCAct.
- 2.6 It is notable that the draft Local Plan does not yet represent the Climate Emergency declaration (see paragraphs 11.8 – 11.11 of the Local Plan where it is advised that the Plan seeks to satisfy previous corporate climate change targets by CYC).
- 2.7 Notably, in light of the above, the Local Plan needs updating in this respect, including a demonstration of how planning policy can contribute to CYC's net zero carbon target of 2030.
- 2.8 Policy CC2 of the Local Plan is concerned with sustainable design and construction and whilst setting climate change design standard targets, it is unclear whether these targets are linked to any specific targets associated with the City becoming at net zero carbon environment by 2030.
- 2.9 Finally, it is unclear whether the viability assessment underpinning the Local Plan⁷ has taken account of the cost of meeting any climate change targets. It appears from CD018 that the only costs accounted for in respect of climate change mitigation/adaptation related to improved energy efficiency for residential development in terms of meeting Building Regulation targets in Policy CC2 (Table 5.13 of CD018) and for non-residential developments (100 sqm +) to achieve a BREEAM rating of "Excellent". These costs do not, however, represent any targets that are necessary to meet CYC's ambition of meeting their net zero carbon target for the City by 2030, which post-dates the production of CD018. LDP reserve the right to comment on this matter, once this matter is clarified by CYC.
- 2.10 It is also further notable, as demonstrated in LDP's the Hearing Statements 2 and 3 that CYC's approach to OAN⁸ significantly under-estimates the employment growth within the City, which will consequently lead to housing growth that does not match employment growth. The consequence of increased commuting into York, from adjoining Boroughs. This was recognised in the Oxford Economics Outlook⁹. This clearly would not be sustainable and further reinforces the need for the housing provision in the Local Plan to be increased in order to respond to the need to adapt to climate change.
- 2.11 LDP reserve the right to comment further on this matter at the forthcoming Hearing Session on Matter 8.

⁷ [CD018 – City of York Local Plan Viability Update Study \(April 2018\).](#)

⁸ [EX/CYC/43a.](#)

⁹ [EX/CYC/29.](#)



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