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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 1 – Strategic Vision,  
Outcomes and Development  
Principles

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MARCH 2022

LANGWITH DEVELOPMENT PARTNERSHIP LTD

PARTICIPANT REF 378

Q70385

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# 1 Introduction

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- 1.1 Langwith Development Partnership (LDP<sup>1</sup>) 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 England<sup>2</sup>.
- 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)<sup>3</sup> 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 1 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 1 including those under the following section:
  - 1.6.1 Strategic Vision, Outcomes and Development Principles.
- 1.7 This Statement has been prepared by Quod.

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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](#)).

## An Approach to Dealing with Land West of Elvington Lane in the Emerging Local Plan

- 1.8 Without prejudice to LDP's evidence presented in the Examination of the Local Plan, LDP consider the Inspectors have open to them an alternative approach to deal with the new Garden Village in the south east of York which will enable the Local Plan to be found sound in respect of this specific aspect of the Local Plan. This would involve dealing with the new Garden Village to the south east of York through the spatial strategy as a "*broad location for strategic development*" as per NPPF 2012<sup>4</sup> or a "*broad location for growth*"<sup>5</sup> (BLG) policy approach, whereby the precise boundaries nature & form of the garden village will be established in a separate Development Plan Document (DPD).
- 1.9 We respectfully suggest that this is a matter that the Inspectors may need to consider, given the current circumstances of the case for the Garden Village on Land West of Elvington Lane. Notably, LDP respectfully suggest that CYC's published evidence base has not yet demonstrated that ST15 is sound. That said, both CYC and LDP agree that the delivery of a new Garden Village, south east of York, is a sound spatial approach, in principle, given the evidence presented to the Examination so far.
- 1.10 Whilst establishing the precise boundaries, nature & form of the Garden Village in a separate DPD will mean that housing delivery in this area could not take place immediately upon the adoption of the Local Plan, with a prompt process in preparing the DPD (the preparation of which could begin immediately) this would not cause any significant further delay to the housing delivery trajectory (which is presently unevidenced), given that CYC's own trajectory (unevidenced with regard to SS13) suggests that there is unlikely to be any meaningful delivery of housing on ST15 (as defined in the Local Plan presently) until 2026/27 (whilst delivery is projected to begin earlier than 2026/27, only 105 units are anticipated to be delivered during 2024/25 and 2025/26).
- 1.11 Establishing the boundary, nature & form of the Garden Village boundary will enable all key stakeholders including CYC, LDP, Homes England, other relevant stakeholders and the local community to determine the most appropriate form of the Garden Village and, thereby, facilitating & enabling housing delivery.
- 1.12 The BLG approach would be entirely appropriate in the circumstances of this case where much of the evidence base to support a phasing and implementation strategy, the necessary transport, social & environmental infrastructure and how its delivery relates to the rate of development delivery is not yet available. Any new BLG could be based on principles broadly set in SS13.

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<sup>4</sup> Paragraph 157 (bullet four) of NPPF 2012.

<sup>5</sup> Paragraph 68(b) of NPPF 2021. Note there are examples of adopted plans examined under transitional arrangements including a broad location of growth. See for example DM4 Green Hammerton/Cattal Broad Location for Growth in the Harrogate District Local Plan.

- 1.13 Furthermore, given the assessment of housing required is being tested under the now aged NPPF 2012, it is evident that, in the circumstances in York where there is a meaningful difference between the two approaches, upon adoption of the plan based on an OAHN rather than an assessment based on Standard Methodology (“SM”) the requirement will immediately be out of date even if expressed as an absolute minimum. This is not simply given more recent updates to the framework and related guidance which effectively has been the assessment of OAHN superseded by local housing needs assessments based on the SM but many other aspects such as meeting First Homes.
- 1.14 This BLG approach would enable CYC to determine whether the new settlement should and could accommodate more housing than is presently proposed in the Local Plan as well as agree such matters as the location of access points and other scheme specific issues.
- 1.15 The need for a prompt review of the Local Plan is also consistent with the 2021 NPPG on this subject<sup>6</sup>.
- 1.16 On the basis of the evidence currently underpinning the submitted Local Plan, LDP are of the strong opinion that the housing provision being promoted by CYC within the Local Plan based on OAN will not satisfy the true housing need (the 822 dpa is almost 30% below the housing requirement generated by the Standard Method (SM), which is 1010<sup>7</sup>) as explained in LDP’s Matter 2 Statement. If it is adopted on the basis of the housing need underpinning in the Plan presently, there will need to be an immediate and prompt review of the Local Plan.
- 1.17 The need for a prompt review of this Plan is also compounded by:
- 1.17.1 A meaningful change in housing need, arising from the application of the SM.
  - 1.17.2 The Plan Period will extend for no more than ten years.
  - 1.17.3 The Plan does not take account of most recent policies of the Government, including such matters as First Homes and biodiversity net gain<sup>8</sup>.
  - 1.17.4 The climate change policies of the Plan do not reflect the ambitious target of CYC to be a net zero carbon city by 2030 and this too has the potential to affect viability going forward.
  - 1.17.5 A suppression of the true economic growth within the City, given that the Plan seeks to provide for jobs growth of only 650 jobs pa, while the true jobs growth is estimated.

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<sup>6</sup> Paragraph 062: Ref ID: 61-062-20190315.

<sup>7</sup> See LDP’s Hearing Statement Matter 2.

<sup>8</sup> The Environment Act will mandate BNG in November 2023. If this is not and cannot be taken into consideration in this Local Plan, which it is presently not, then those parts of the Plan which relate to biodiversity will become out of date at that time. It is noted at this stage also that if the viability assessment by CYC has not account for BNG, this too will need to be revisited promptly post adoption. At this stage, as the evidence on viability has not been made available by CYC, LDP reserve the right to comment further on this matter at the Hearings.

- 1.18 Proceeding with a Local Plan which does not take account of the above will be contrary to the Government's levelling up agenda<sup>9</sup>. It is recognised in the White Paper for Levelling Up that this requires a focussed, long-term plan of action which are encapsulated in six "capitals", which include, amongst other matters, physical capital including "housing, infrastructure and machines".
- 1.19 Without a prompt review and update, the Local Plan will not be up to date and will not be effective as it will not address the needs of the community<sup>10</sup>, and it will not be consistent with legislation<sup>11</sup>.
- 1.20 Consequently, and inevitably, the Local Plan will only have a short "shelf life" and this must be made explicit in the Plan itself, and CYC should be under a compulsion to promptly review the Plan. LDP suggest that the following policy should be incorporated into the Plan to address this requirement:

The Council is committed to meeting its requirements for housing, employment and other development and infrastructure. The Council will regularly monitor delivery of new development in the context of policies and targets within this plan. Where monitoring identifies significant and persistent shortfalls in the delivery of housing and employment, infrastructure or spatial distribution that deviates significantly from the plan strategy, the Council will consider a full or partial review of the Local Plan to identify alternative or additional development sites. Given this plan is adopted under the 2012 transitional arrangements and the housing needs assessment under the Standard Method represents a meaningful change, the Council will conduct an immediate review and update of its strategic housing and employment policies including if required identifying expanded , alternative or additional development sites.

This plan review arising from the above should be carried out quickly and immediately following adoption. The Council will also prioritise exploring potential alternative or long term options in terms of their suitability, availability, infrastructure and deliverability.

In addition, the circumstances in which any further review (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning)(England) Regulations 2012) will be carried out are specified as follows:

- 5 years from adoption and every 5 years subsequent to the completion of the Review; or
- significant changes occur within the HMA
- Where, when demonstrated by the Monitoring Framework (Appendix 5), that:
  - (i) The Housing Delivery Test indicates that delivery is below 85% of the housing requirement as set out in the housing trajectory, over the previous three years or
  - (ii) The review will be commenced within 6 months of occurrence of one of the above matters.

The review required by the above circumstances will be commenced within 6 months of occurrence of one of the above circumstances.

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<sup>9</sup> [Levelling up the United Kingdom: White Paper \(HM Government February 2022\)](#).

<sup>10</sup> Paragraph: 062 ref ID: 61-062-20190314 (NPPG).

<sup>11</sup> Including Regulation 10a of the Town & Country Planning (Local Planning) England Regulations 2012 (as amended).

1.21 The recognition of the need for prompt for view of Local Plan documents has been addressed recently in all Local Plans (see the adopted Melton Local Plan, October 2018<sup>12</sup> and the Regulation 19 Hinkley and Bosworth Local Plan <sup>13</sup>).

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<sup>12</sup> [Melton Local Plan, 2018.](#)

<sup>13</sup> [Hinkley and Bosworth.](#)

## 2 Strategic Vision, Outcomes and Development Principles

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*Question 1.1: Does the Strategic Vision, Outcomes and Development Principles set out within Section 2 and provided in policies DP1, DP2 and DP3 of the Plan provide a clear and appropriate framework for the strategic policies set out primarily within Sections 2 and 3 of the Plan?*

- 2.1 LDP support, in principle, the Vision and Outcomes, as well as the Development Principles, set out in section 2 of the Local Plan but respectively suggest that greater clarity is required in Section 2 to assist in the application of the Vision, Outcomes and Development Principles with the remainder of the Local Plan. Notably, the following is suggested:
- 2.1.1 The Vision and Outcomes box at the start of Section 2, should clearly set out the Outcomes.
- 2.1.2 There is a need for expansion and clarification of some of the Outcomes, notably in addressing climate change. Clarify the links between the Vision at the start of section 2 and the spatial policy approach in Development Principles EP1, EP2 and EP3.
- 2.1.3 The period in which the Outcomes are to be achieved should be clearly stated within the Plan, and a recognition that these should be kept under review.
- 2.2 It is understood that the Outcomes are represented the four sub-headings in paragraphs 2.1-2.16. These Outcomes should be specifically referenced in the Vision and Outcomes box.
- 2.3 Consequently, the Vision and Outcome box should be modified as follows:

*York aspires to be a city whose special qualities and distinctiveness are recognised worldwide. The Local Plan aims to deliver sustainable patterns and forms of development to support this ambition and the delivery of the city's economic, environmental and social objectives. This will include ensuring that the city's place making, and spatial planning policies reflect its heritage and contemporary culture, contributing to the economic and social welfare of the community whilst conserving and enhancing its unique historic, cultural and natural environmental assets.*

*The Outcomes to be achieved through the spatial Vision are:*

- Create a prosperous City for all.*
- Provide good quality homes and opportunities.*
- Protect the environment.*
- Ensure efficient and affordable transport links.*
- Address climate change through mitigation and adaption.*



*The plan will ensure that the vision and outcomes are delivered in a sustainable way that recognises the challenges of climate change, protects residents from environmental impacts and promotes social, economic and cultural wellbeing.*

- 2.4 Notably, given the emphasis on addressing climate change through the planning system<sup>14</sup> we respectfully suggest that the Outcomes should specifically include one aimed at the need for development within York to mitigate and adapt to climate change. This would be consistent with and repaid CYC's declared climate emergency<sup>15</sup>. This is addressed in the 5<sup>th</sup> bullet proposed above.
- 2.5 In order to aid the clarification of the Plan further, we respectfully suggest that DP1: York Sub Area should clarify how each of the nine sub-points (i-ix) link to the five Outcomes expressed in the Vision box above.
- 2.6 For example, DP1(i), (ii) and (iii) would all support achieving Outcome 1 (Create a Prosperous City for All). Similarly, DP1(iii) would support Outcome of Providing Good Quality Homes).
- 2.7 The Plan presently contains no review mechanism for the strategic Vision, Outcome and Development Principles. There is neither a proposed review of the progress that the Plan is making against the Outcomes, nor a review of the Vision and Development Principles. NPPF 2021, states that development strategies should be reviewed and assessed whether they need updating, every five years and updated as necessary<sup>16</sup>. Whilst this Local Plan is being determined with NPPF 2012, the policy of NPPF 2021 is relevant given the legal requirement to review Local Plans every five years (Regulation 10a) of the Town & Country Planning (Local Planning) (England) Regulation 2012)).
- 2.8 We, therefore, respectfully suggest that an additional reference is introduced in Section 2 (at the end of the Section) replanning the need for a prompt review and update of the plan in the circumstances of York, and section 1 of this statement outlines a proposed new policy to address this issue.
- 2.9 It is LDP's view that it is imperative in the case of York that the Local Plan is reviewed sooner earlier than 5 years post adoption, should the Plan be based on the NPPF 2012 methodology for determining the OAHN given that the local housing need assessment, conducted using the SM under both more recent planning policy and guidance, shows a significantly greater housing need. These differences would represent, in the language of the 2012 NPPG, "a *meaningful change*".

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<sup>14</sup> NPPF 2021 – Meeting the Challenge of Climate Change, Flooding and Coastal Change (chapter 14).

<sup>15</sup> March 2019 – CYC declared a climate emergency and set ambition of becoming a City which is carbon neutral by 2030 in account of both production and consumption emissions (Scope 1, 2 and 3 of the Green House Gas Protocol).

<sup>16</sup> Paragraph 33 of NPPF 2021.

- 2.10 LDP consider that DP1 could be clarified in respect of matter (viii) where it should be explicitly noted that the inner and outer boundaries of the Green Belt are being set for the first time, and that they should be set for a period that can endure<sup>17</sup> beyond the Plan Period.
- 2.11 In light of the above, we respectfully request that Policy DP1 is modified as follows, in respect of (viii).

(viii) A Green Belt is defined around York as part of the Local Plan for the first time, which will safeguard the special character and setting of the historic city for a period that will endure beyond the Plan Period of the Local Plan. The outer boundary of which will be about 6 miles from the city centre. Additionally, new Garden Villages are planned beyond the inner green belt boundary in locations which are safeguard the special character and setting of the historic city.

- 2.12 For the reasons explained in previous Representations by LDP to the various stages of the Local Plan<sup>18</sup>, and as explained further in LDP's Representations to Matters 1, 2 and 3, LDP objects to the housing and employment figures reference in Section 2. It is LDP's view, as demonstrated in their Matter 2 Hearing Statement, that these figures under-estimate the true housing and economic need required of the City when judged against the now outdated 2012 NPPF and related NPPG as well as when considered against the SM (NPPF 2021).
- 2.13 LDP, however, support the following aspect of Section 2, for the reasons explained in the same Representations outlined above:
- 2.13.1 Paragraph 2.5 - namely it's recognition that there is a need to deliver a new sustainable community on Land West of Elvington Lane. For the reasons explained elsewhere in these Hearing Statements, there is a potential to identify a "broad location" in this area, with the setting of specific development boundaries and masterplanning principles for this new Garden Village in a separate DPD.

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<sup>17</sup> Paragraph 140 of the NPPF 2021 notes that Green Belt boundaries should be established "...having regard to their intended permanence in the long term, so they can endure beyond the Plan Period...". The permission is also found in the NPPF 2012.

<sup>18</sup> 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 [\(EX/CYC/66e – PMSID378i – SID378xvii\)](#).

2.13.2 Paragraph 2.8 - LDP support the critical importance of protecting the City's heritage, and if it is to meet the development needs, it will need to look at establishing new garden villages beyond the City's boundaries to protect the special heritage qualities of the City. LDP respectfully request that there is a more specific recognition in paragraph 2.8 for the need to consider sites beyond the City's current **built area** boundary, as follows.

Changes to paragraph 2.8

...Enhancing York's physical appearance, improving accessibility and improving its image and perception are vital if the city is to increase investment, employment, wealth and wellbeing. **In order to address the development needs of the City, there will need to be development well beyond it and separate from the existing built environment, in order to safeguard its outstanding heritage.**

2.13.3 Paragraph 2.13 – LDP support the Local Plan's recognition of strengthening and creating new open space, available to the residents of the City. Notably, as part of the development of a new Garden Village on Land to the West of Elvington Lane, a significant open space area (designation OS10) is proposed which will provide a major wildlife resource, of City and regional importance. LDP propose this area to be a nationally significant wetland<sup>19</sup>. LDP, therefore, respectfully suggest that recognition of this important asset is addressed in the Local Plan and, therefore, amended as follows at Paragraph 2.13 as follows:

Changes to paragraph 2.13

The Local Plan will strengthen its network of strays, green wedges, open spaces, nature conservation sites and green corridors, extending them as part of new development areas. **This will include an area of significant biodiversity value as part of the new Garden Village on land west of Elvington Lane (within the designated OS10 area).** It will also create a Green Belt for York that will endure beyond the end of this plan period providing a lasting framework to shape the future development of the city. Its primary aim will be to preserve and enhance the special character and setting of York. It will also have a critical role in ensuring that development is directed to the most sustainable locations.

*Question 1.2: Are the Development Principles set out in the Plan justified, effective and in accordance with national policy?*

2.14 As outlined above, the Development Principles need to be tied closely to the Outcomes. Most specifically, LDP consider that Policy DP3 should be modified to have a greater regard to climate change (mitigation and adaptation) and recognition of sustainable flood risk

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<sup>19</sup> [CD014g](#).

management. In this regard, the following suggested amendments should be incorporated into Policy DP3.

Policy DP3: Sustainable Communities

...

xii) Manage flood risk by ensuring development does not contribute to or is not subject to flooding and adopts sustainable flood risk management.

xiii) Manage development to reduce greenhouse gas emissions, minimise vulnerability and improve resilience to such; encourage the re-use of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 2.15 In light of comments made in the other statements by LDP, and the suggestion for dealing with the Land West of Elvington Lane via a “broad locations” approach, the following modifications are suggested to the introduction to the Policy DP3 should this option require further consideration as we anticipate may become apparent.

Policy DP3: Sustainable Communities

New development, including all the allocated sites and the broad location for development on Land West of Elvington Lane as identified on the proposals map should, where appropriate, address the following overarching development principles: ...

- 2.16 Whilst the Local Plan is being considered under the NPPF 2012, it would not be appropriate for the development management policies of the Plan to adopt a development management approach (is notably in respect of Policy DP4, which relies on the aged approach of paragraph 14 of NPPF 2012 and would conflict with the NPPF 2021 (paragraph 11) which self-evidently would be another material consideration and would trump DP4 as drafted. Either Policy DP4 should be modified so that it takes its lead from paragraph 11 of NPPF 2021 as set out in the box below, or it should be removed altogether until the update to date policy can be inserted into the development plan at the earliest opportunity, which , further supports the need for a prompt review.

## Policy DP 4 : Approach to Development Management

When considering future development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work proactively with applicants jointly to find solutions, which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where they are in place, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

~~Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether~~

Where there are no policies relevant to the application or the policies which are most important for determining the application are out of date, grant permission unless:

- The application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- any adverse impact ~~of granting permission~~ that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

*Question 1.3: Is the overall strategic approach, in terms of the vision, outcomes and principles relating to development, its management and delivering the Plan's development requirements positively prepared, justified, effective and consistent with the Framework?*

2.17 It is explained in previous Representations by LDP<sup>20</sup> that the Plan does not and cannot address the true housing need, given that it is reliant upon a now aged and out of date approach to determining housing need (NPPF 2012) given by the more recent changes to the NPPF, culminating in the NPPF 2021, and the standard methodology (SM2).

Furthermore, there is a limited remaining Plan Period for the Local Plan, as also explained in the aforementioned Representations. Even if the York Local Plan is adopted in the next 12-18 months, there will only be a Plan Period of circa ten years remaining (not the preferable 15 years as per NPPF 2012, paragraph 157) and there are good grounds to extend the Plan Period (see LDP's Representations<sup>21</sup>). Furthermore, the Green Belt is proposed to endure only to 2038 as in the Local Plan, which is, in fact, only 16 years from the date of these Hearings. In reality, the Green Belt is, therefore, only being set for 15 years given the Local Plan is unlikely to be adopted therefore 2023 which is arguably not "long-term"<sup>22</sup>.

<sup>20</sup> [EX/CYC/66e – PMSID378i – SID378xvii](#).

<sup>21</sup> [EX/CYC/66e – PMSID378i – SID378xvii](#).

<sup>22</sup> As required by paragraph 140 of the NPPF 2021, and paragraph 83 of the NPPF 2012.

- 2.18 Consequently, LDP respectfully suggest that whilst the Local Plan is being assessed under NPPF 2012, the effects of NPPF 2021 cannot be ignored. Any local plan adopted in 2023 based on the 2012 NPPF will plainly be out of date on adoption for all sorts of reasons. The NPPF 2021 and the NPPG related to it will be a material consideration in determining planning applications and making neighbourhood plans. In the event that the Plan proceeds to adoption on the basis of a housing need assessment carried out under NPPF 2012, it is LDP's view that the Local Plan should be subject to an immediate and early review. This would not be unusual in the circumstances which this Local Plan is adopted and, it is noted that the Inspector at the Tandridge Local Plan<sup>23</sup> Inquiry recommended a similar approach, and the same approach was adopted for the Leeds Local Plan (Site Allocations Plan)<sup>24</sup> and has recently been recommended by the Inspector to the Welwyn & Hatfield Local Plan<sup>25</sup>.
- 2.19 In the case of the Tandridge Local Plan, the Inspector has very recently (February 2022) advised that a possible way forward on the adoption of that Local Plan (which has a number of outstanding matters that rendered the Plan presently unsound), was to proceed to adoption (subject to resolution of those outstanding matters) but with a '*prompt review*', and in advising on the range of options open to him, the Inspector suggested that one could be to recommend '*...that the Plan should be subject to immediate review*'. ( Paras 21 and 22 of the Inspector's letter of advice).
- 2.20 In the case of Welwyn and Hatfield's Local Plan, the Inspector recently reported (February 2022) that given the Council were unwilling to submit sites to meet their full OAN, the Inspector offered a compromise whereby the Plan could proceed with a short term '*... trajectory that seeks only to meet the housing requirement, in a site-specific way, for a limited period. This would leave some housing, to meet the requirement in later years of the plan period, to be identified through a future review of the plan...through a prior date to be agreed*.' (paras 6 and 7 of the Inspectors letter of advice).
- 2.21 In the case of the Leeds SAP, that DPD did not meet all of the adopted Core Strategy (CS) housing requirement, although the CS was under review (through a Selective Review – CSSR) and a new housing requirement was being consulted at the same time to replace it. Consequently, the Inspectors reporting on the SAP examination ruled that it was necessary to '*commit to a review as soon as the housing requirement is established through the CSSR with a view towards completion of the examination and adoption no later than 31 March 2023, to bring the supply into alignment with any CSSR figure*' (para 40 of the Inspectors Report)

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<sup>23</sup> [ID-20-Reponse-to-TED51.pdf \(tandridge.gov.uk\)](#).

<sup>24</sup> [Microsoft Word - Letter re deferring allocations to a review Final 15.2.22.docx \(welhat.gov.uk\)](#).

<sup>25</sup> [Leeds SAP Inspectors Report Final.pdf](#).

*Question 1.4: Has the Plan been informed by an adequate process of Sustainability Appraisal and Habitats Regulations Assessment in this regard?*

- 2.22 Whilst LDP do not comment on the process of the SA (nor the HRA) it is noted at this stage and commented further in LDP's Hearing Statement no 2 that the SA<sup>26</sup> considers the implications of would generate a significant increase in housing (1026 dpa compared to 822 dpa) and that this would have a significant positive effect against the SA objective 1 given it is recognised that it will significantly boost housing<sup>27</sup>.
- 2.23 The recognition of the significant positive effect appears to have been disregarded in CYC's assessment as to whether there are any meaningful changes in housing needs and as addressed in LDP's Hearing Statement 2 or whether housing requirements based on the lower OAHN based figure is the most appropriate strategy .

## Summary

- 2.24 In summary, it is LDP's view that the Local Plan requires a range of modifications that will be determined by the route adopted by the Inspectors in responding to the context of LDP's view on the soundness of the Plan. This is necessary both in terms of dealing with Land to the West of Elvington Lane in a BLG approach and the need for significant modifications to the Plan to reflect changes of national policy , including the application of the SM or explicit recognition of the need for a prompt review. The changes required are likely to be more significant than outlined above and in the other Hearing Statements.

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<sup>26</sup> [EX/CYC/62](#).

<sup>27</sup> Paragraph 4.3.7 of [EX/CYC/62](#).



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