

## **ANNEX 9**

### **Planning Issues – Community Stadium**

#### **Planning Policy Framework for Stadia and Related Uses**

There is no specific local or regional planning policy for stadia. Nationally, PPG 17 – Planning for Open Space, Sport and Recreation – states that: “Planning permission for stadia and major sports developments which will accommodate large numbers of spectators, or which will also function as a facility for community based sports and recreation, should only be granted where they are to be located in areas with good access to public transport. Planning permission for additional facilities (such as retail and leisure uses) should not be granted for any out-of-centre developments unless they comply with the policy set out in PPG6”. PPS6 requires that “in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions”. If the additional facilities are not ancillary, then the sequential approach would apply, as discussed below.

Relevant policy considerations include: PPS1 - Delivering Sustainable Development - and Regional Spatial Strategy Policy YH8 – Location of Development – which require planning authorities to adopt a sequential approach to the location of development; RSS Policy Y1 – York sub area policy – requires a focus of “most development on the Sub Regional City of York, whilst safeguarding its historic character and environmental capacity”; RSS Policy E2 – Town Centres and Major Facilities – states that the “centres of Regional Cities and Sub Regional Cities and Towns should be the focus for offices, retail, leisure, entertainment, arts, culture, tourism and more intensive sport and recreation across the region”.

The key planning issues for a stadium therefore are: the need to adopt a sequential approach to site selection; the need for good access by public transport; and the need to safeguard the historic character and environmental capacity of the city.

The stadium should preferably be taken forward through the emerging Local Development Framework and the preferred site evaluated in terms of these key planning issues in the context of the wider spatial strategy for the next 20 years.

The stadium should preferably be included as a site allocation in the LDF Allocations DPD Preferred Options document, supported in principle in the Core Strategy Preferred Options. If a green belt site was the preferred option then this could be taken into account in defining the green belt boundary.

Reference to the stadium has been made in the Core Strategy Preferred Options, which is due to be consulted on June-July 2009: “It is a corporate priority for the Council to provide a new community stadium for the City. The Council is currently exploring the potential to combine sports provision with a variety of other uses that will have significant benefit to the wider community, such as healthcare, education and other community facilities. A new stadium will also help to deliver the needs outlined in the Sport & Active Leisure Strategy (2008). The Strategy identifies a need for a modern professional stadium for York City Football Club and York City Knights Rugby Club that meets league and safety standards and can attract investors, players and spectators to encourage participation and promote excellence”.

### **Football Stadia Trends**

A number of recent high profile planning cases relating to stadia have focussed on greenfield / green belt issues. If pursuing an application for a site in the current York draft green belt, a 'very special circumstances' argument would need to be made to justify the development. A stadium is not an 'appropriate use' in the Green Belt as defined in PPG2: "Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

A number of recent Inquiries into stadium developments in England have shown that a very special circumstances argument would need to establish:

- That there is a definite 'need' for the development
- That no sequentially preferable sites are available/feasible/viable
- That there is local support for the development – political, community and from Sport England, the FA etc
- That there are community benefits in the proposal – community access to the stadium facilities, sports pitches etc
- That the 'harm' to the openness of the green belt, landscape character and the setting of the city has been mitigated as far as possible and the visual impact reduced
- That there is appropriate sustainable transport access to the site and the impact on the highway network is manageable
- That any ancillary development is actually ancillary to the stadium. A separate sequential test would be required otherwise
- If enabling development is proposed, the need for this in terms of financial support for the project would need to be demonstrated and would be subject to a sequential test if it is in the green belt.

Regardless of location, new stadia in recent years have sought to maximise the income generating potential of the development, provide some form of community access and have aimed to address issues of sustainability. Dedicated public transport access and match day traffic plans are also a common feature.

### **Proposed Methodology for Site Selection and Evaluation**

A methodology has been developed to search for the most appropriate location for the stadium. This process is dependant on the preferred model for the stadium.

A sequential analysis of sites will be required in order to justify the site selection in planning terms. A greenfield or green belt site cannot be considered until all brownfield options have been discounted. The sequential order of preference should be:

- The existing stadium sites
- Brownfield sites (allocated) in York settlement limit – City or district centres
- Other brownfield sites within the York settlement limit
- Greenfield sites within the York settlement limit
- Greenbelt sites.

In terms of our Spatial Strategy in the Core Strategy land outside the outer ring road is generally considered physically separate from York and does not have the sustainability benefits of land within the outer ring road. This would generally apply to the stadium, particularly in light of the need for the stadium to provide community facilities.

### Constraints

The methodology for identifying areas of York potentially suitable for the stadium follows a 'sieving' approach of removing areas of constraint.

A number of constraints on the potential of the sites are listed below. The primary constraints are the areas of highest green belt quality (from the Green Belt Review, 2003), nature conservation sites, the functional flood plain and public transport accessibility. The 7 key questions are based on the LDF Allocations DPD site selection methodology. A process of scoring each site against these criteria is required to review the relative merits of the sites.

Is the Site Available?

- Ownership, Availability, Legal Issues (covenants / tenancies etc)

Is it Previously Developed Land?

- Locational Policy (sequential approach); Green Belt Quality; Landscape Quality; Visual Impact; Nature Conservation Sites; TPOs; Designated Open Space; Agricultural Land Value; Flood Zone; Built Heritage / Archaeology

Is it Well Connected?

- Accessibility - RSS Policy requires the stadium to be located within a 5 min walk of a bus stop offering a 15min frequency service to a major public transport interchange

What is the Capacity of Existing Infrastructure?

- Highway Network Issues
- Utilities

Will New Development Impact on the Amenity of Existing Communities?

- Residential Amenity

Are there Physical or Environmental Constraints on the Site?

- Size and Configuration
- Air Quality, Noise, Contamination, Topography, Power Lines, Drainage, Public Right of Way

Would it Support New Planned Facilities or Services?

- Community Benefits
- Synergies
- Ancillary / Enabling Development.

These last three issues are key to assessing the appropriateness of the business model in different locations and are discussed below.

### Community Benefits

There will be a need to identify potential community benefits relevant to each potential site and local area. The LDF Open Space, Sport and Recreation Study identifies a significant projected under-provision of open space for outdoor sports over the period of the LDF. The Sport and Active Leisure Strategy identifies specific needs for indoor and outdoor sports in the city. In consultation with Leisure Services, a series of open space /sports requirements for each site can be identified.

The likely land take for these facilities needs to be calculated in order to dismiss sites that do not have the capacity for provision. The key consideration should be accessibility – community facilities need to be readily accessible to the community.

### Synergies

There is a need to identify if there are any proposed developments or existing developments in the vicinity of the site for which the stadium development could provide added value.

### Ancillary / Enabling Development

Other uses associated with the stadium would be subject to the sequential test, unless they were 'ancillary' to the main use. PPG 17 states that for stadia: "Planning permission for additional facilities (such as retail and leisure uses) should not be granted for any out-of-centre developments unless they comply with the policy set out in PPG6".

If enabling development is proposed, robust evidence would need to be presented that the development is necessary and capable of funding the stadium. Recent stadium developments have included: conferencing facilities, cinema, hotel, stadium shop, restaurants, sports injury clinic, community learning zone, indoor sporting venue, however these are more difficult to justify in a green belt location.

Consideration needs to be given to the LDF Evidence Base to review the need / demand for different uses in different locations and a justification for any ancillary or enabling development also made in this context.

Hotels/conference facilities: Hotels are considered to be a town centre use in PPS6. A sequential approach would be applied: first, locations in appropriate existing centres; then edge-of-centre locations, with preference given to sites that are or will be well connected to the centre; then out-of-centre sites, with preference given to sites which are or will be served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

If an edge or out-of-centre site was proposed, it would need to be demonstrated that the hotel/conferencing was an integral component of the overall stadium development, otherwise the developer would need to explore the scope for disaggregation, to explore the possibility of enabling the development to fit onto more central sites, and show flexibility in the proposed business model in terms of the scale of development; the format of their development; and car parking provision.

Edge and out-of-centre sites can potentially present opportunities for a hotel / conference facilities if linked to business parks (e.g. Monks Cross) or education/science city (e.g. the University).

Offices: Offices are also considered to be a town centre use in PPS6. A sequential approach would be applied. The LDF Employment Land Review shortlists 19 sites to meet the supply for B1a offices over the timeframe of the LDF. If office use were proposed as part of the stadium development, synergies with these 19 sites should be explored. Some of these sites are out-of-centre. There is scope therefore for some out-of-centre provision related to existing commercial/business areas and the University.

### **Next Steps**

When a decision has been reached on the preferred business model, we can incorporate this into our methodology to identify an appropriate location for the development.

The constraints methodology will reveal 'areas of search' where a suitable site can be found. The model will identify the land take required for the development. We can then identify potential sites within the areas of search.

A scorecard approach can then assess the quality of each site against the constraints listed above.

The methodology will assess the appropriateness of the enabling / ancillary component of the business model for each site against the LDF Evidence Base.

In terms of community sports uses. The Sport and Active Leisure Strategy and Open Space, Sport and Recreation Study indicate the current deficiencies for these facilities within different areas of the city, as for the city as a whole, which will suggest what is appropriate in each area of search.

Where more than one potential site has been identified, the sequential test will apply.

When a site/alternative sites have been identified, these can be incorporated into the LDF Allocations Preferred Options document and subject to public consultation in Autumn 2009. We will also review consultation responses to Core Strategy Preferred Options.