

## LAND USE

### **Land Use (for (add date) or in (Local Authority name))**

*Subsection of the 'Land Use Chapter'. Introduction to the context national, regional and local, generally including paragraphs containing the following information;*

Available land in the UK is scarce, and stress must be placed on delivering the majority of new development using brownfield sites, reclaimed contaminated land or sites with only the lowest proven ecological value. Land formerly developed and existing buildings requiring refurbishment are priority resources which must be used to restrict the loss of greenfield sites. Sustainable land management should distribute use and activity in a manner creating access and opportunities, for current and future generations without diminishing future natural resources.

Sustainable urban design offers a strong competitive advantage, improving development quality and mix, integrating open space and historic features, will draw people to live and work in an area. Increased vibrancy will generate better footfall and interaction and activity throughout the day and night acting as a natural deterrent to crime and improving the sense of community ownership, safety and enjoyment. In turn property and land values will increase.

Brownfield sites are generally located in areas with good or reparable public transport infrastructure and encouraging mixed build development of such sites provides people with facilities for their full range of needs, such as leisure, work, shopping and living, whilst decreasing their need to travel.

Brownfield sites will often still have ecological and/or architectural value. This must not be underestimated as it will enhance the value of the future environment if carefully assessed and protected prior to development. The character of the area and its surroundings must inform approaches to the design and landscaping of developments and all development should incorporate well integrated open space encouraging walking, leisure and appreciation of the final built features.

As well as giving a context for the buildings and amenity space, green-space and landscaped areas provide refuge for wildlife, soak away areas for surface water and the opportunity to retain existing trees and hedgerows or build in such features. All new development should ensure no net negative impact on the cities wildlife and habitat resources.

Developers should carry out surveys identifying the ecological impacts of their proposals. Where adverse impacts are identified a detailed mitigation package should be submitted. Developers will also be encouraged to show how their proposals will improve the ecological value of a site particularly in respect of previously contaminated land. Developers should;

- seek to avoid adverse impacts on designated nature conservation sites;
- ensure there are no adverse impacts on species listed in the UK Biodiversity Action Plan.
- take measures to ensure existing wildlife features are retained and enhanced;
- avoid culverting and canalisation of watercourses, exploiting opportunities to re-open culverts, re-establish natural watercourses and maximise the wildlife value of these
- adopt landscaping and planting schemes incorporating native or natural vegetation types as far as possible

- enhance wildlife resources through habitat creation and the creation and improvement of links between other areas of habitat
- make provision for the long term management of nature conservation resources, considering this at the design stage.
- Avoid planting schemes reliant on high summer watering or the use of peat or artificially produced fertilizers. Schemes using composted materials and mulching being preferable.

Aiming to create attractive environments for the combined purposes of living and working contributes to the regeneration of areas and the benefit of the wider community including health. Generously planted well designed, safe and attractive external spaces complementing the local landscape will encourage healthier, outdoor lifestyles.

To reaffirm this objective street layouts where cars predominate and safety is an issue should be avoided. Overall the principal goal of new development should be to minimise the need to travel. Early site appraisal should provide basic information necessary to determine accessibility by walking, cycling, public transport and car.

Developments should ensure ease of movement for pedestrians and cyclists as a priority. The movement of pedestrians and cyclists on routes both within and beyond the immediate development should be considered. In developments incorporating greater family orientated residential schemes developers should take special care to plan safe routes to schools which may cover related off road cycling or pedestrian provision.

The aim of all new development should be to minimize traffic throughout, reducing speeds and avoiding opportunities for rat-running. Site layouts should be determined according to a hierarchy, with access and movement priority being given to pedestrians and cyclists first. Developers should consider the following pointers in terms of their proposals;

### **Pedestrians:**

- provide convenient routes throughout the site, that are easy, safe and attractive to use
- avoid steep gradients and ensure that routes are accessible to disabled people, particularly wheelchair users
- avoid the creation of routes through dark alleys and provide lighting where appropriate
- provide clear signposting showing route destinations, link routes to local facilities, public transport nodes, open spaces and longer distance footpaths
- provide a generous number of well located pedestrian crossing points on busy sections of road, design to slow traffic speeds, improve safety and reduce noise
- provide a pleasant environment and microclimate through planting to provide shelter and orientation towards the sun, provide path-side seating at appropriate locations

### **Cyclists:**

- segregate cycle lanes from the general traffic where cyclists safety may be reduced within the carriageway, separate tracks may be considered in larger developments, if they can rejoin the road network safely
- only consider joint pedestrian and cycle routes where separate facilities for cyclists within the carriageway are not feasible, as pedestrian safety must not be compromised

- provide direct, safe and attractive routes, ensuring routes are as continuous as possible, avoiding frequent route stoppage, diversions or confusion to motorists. Ensuring the safety of cyclists is paramount at major junctions which should be of cycle friendly design
- link routes within developments to the wider authority cycle network
- provide secure sheltered cycle parking close to, or inside buildings, encouraging future owner employers to provide high standard secure long stay cycle parking and appropriate changing and shower facilities

### **Public transport and service vehicles:**

- design should incorporate potential to link with or extend bus services and other public transportation, effective access for essential service vehicles should be provided.
- route layouts should utilize the minimum possible space allowing safe access and egress for buses and service vehicles
- bus shelter facilities and timetable information, should be provided encouraging use of public transport
- where developments generate additional demand for transportation including the need for improvement or extension, a contribution towards improving public transport provision may be required.

### **Private vehicles:**

- service roads to the development should be engineered to occupy minimal space and designed to reduce speeds which may be stipulated as 20mph or less, particularly at junctions and pedestrian/cycle crossings, ensuring the priority of benign travel choices
- provide traffic free areas wherever possible.
- The Local Planning Authority may encourage the development of car free residential areas in urban areas with good access to public transport, cycle and pedestrian routes served by a range of facilities, such as schools, shops and other amenities. In such circumstances owners/tenants will be required to agree that they will not own a car to ensure off site parking problems do not result.

When deciding upon the appropriateness of site location developers should also consider the following issues:

- the need to locate large traffic generating uses close to existing key transport hubs
- the potential for links to the existing transport network, especially public transport, pedestrian and cycle routes and the need to consult with relevant bodies
- Best practice use and enhancement of a site's strongest links with surrounding areas

The National Governments Planning Policy Framework encourages Local authorities to ensure that:

*'Development which attracts a lot of people should be concentrated in or on the edge of existing towns or suburban centres, or be within areas which are or can be well served by public transport. Higher density housing should be encouraged within easy walking distance of these centres'.*

Higher building densities (ie greater numbers of people or dwellings per unit of area) give the most efficient use of land. Within urban areas such densities potentially reduce the need to travel, by incorporating local shops, working spaces and community facilities and may thus encourage higher use of public over private transport.

The highest densities should be adjacent to designated city and town centre areas ensuring that the majority of people live as close as possible to existing public transport routes, shops and facilities. Minimum levels of density especially in respect of the residential aspect of developments may be specified by the Local Planning Authority and developers may wish to consult the authority prior to submission of plans.

The creation of high density mixed tenure and use development will generally only improve vitality and diversity reducing the need to travel where housing and tenure types are integrated sensitively and adequate provision is made for 'affordable housing'.

The City of York Council specifies that a minimum of 30% affordable housing should be achieved as a proportion of all development including dwelling space. Developers should show the considered creation of mixed communities in the variety of sizes and types of housing and other property integrated within site plans.

Mixes should clearly show how potential problems of disturbance and nuisance caused by neighbouring potentially conflicting uses (eg. residential and nightclubs) have been addressed in the layout.

Higher densities should achieve other objectives and planners and developers should show in new development how provision has been made;

- to ensure proposals incorporate high levels of onsite renewable energy sourcing and expand or develop community grid networking, and/or combined heat and power (CHP) (see also the Energy Chapter and Renewable Energy Chapter). Developments facilitating CHP and district heating schemes are those which:
  - have groups and densities reducing installation and transmission costs
  - are located close to the power/heat source
  - comprise a mix of uses (eg. housing, offices and leisure) which help balance demand for power/heat over a twenty four hour period throughout the year.
- for the incorporation of existing natural and historic features (see also Chapter 'Buildings Durability Adaptability and Materials') which give rise to a 'sense of place or identity'.
- to ensure the integrity and quality of natural water courses and tables are not compromised (see also Chapter Water) Sites which are at risk from flooding or where the development would result in the loss of natural conservation space should be avoided.
- to foster urban regeneration, whilst sustaining and enhancing the vitality and viability of existing centres, ensuring appropriate weight is given to each of the key aspects of sustainability: environmental, social and economic.
- to ensure back gardens are designed for maximum privacy and shared gardens to incorporate a garden room layout encouraging diversity of use where possible.
- to provide space for food growing and kitchen waste recycling.

## **Standards, Policy and Legislation**

*Subsection of the 'Land Use Chapter' introducing policy framework containing the following information;*

### **Local Context**

#### **Sustainability Appraisals**

Local Planning Authorities are now required to conduct Sustainability Appraisals of the authority area, in consultation with environmental bodies (the Countryside Agency, English Heritage, English Nature and the Environment Agency) community groups and other stakeholders. Sustainability Appraisals document the relationships between the bio-diversity, human health, economic wellbeing and the architectural and cultural value of the Local Authority area.

Using the findings of the Sustainability Appraisal, as a baseline to improve from, the Local Planning Authority will assess proposals for development to ensure they show due consideration for and a balanced appreciation of environmental, health and equalities impacts and economic and social wellbeing. This process, described as Impact Assessment, will be carried out prior to granting consent for all major and some small scale development or redevelopment.

The Sustainability Appraisal process ensures that all plans, programmes and strategic documents reconcile the maintenance and improvement of the physical (or natural) environment with increased social and economic wellbeing.

The Sustainability Appraisal process provides a decision evaluation tool for Regional Planning Bodies and Local Authorities to:

- Assess the quality and format of base line data, highlight gaps, and ensure data is presented using criteria which translates locally regionally and nationally for comparator purposes.
- Methodically measure likely future impacts or improvements of proposals; i.e. through cyclical review.
- Ensure that proposals and options do not negatively impact upon environmental wellbeing or the quality of life of people living in an area and provide a starting point for more detailed assessment of proposals through impact assessments.

This is obviously important in respect of land use and related planning documents such as Transport Plans, Local Development Framework Core Strategy.

This said, Local Authorities should ensure that the Sustainability Appraisal tool they create can be used as a generic tool for the assessment of all strategic documents to capture the synergies and reduce conflicts. Ensuring that corporate documents embed sustainability through assessment and review.

Sustainability Appraisals and Impact Assessments support Local Authorities to identify problems or potential problems, sensitivities or damage and adopt approaches to strategic intervention and future planning objectives which will offset, remedy or improve the situation.

In accordance with the national Planning Policy Statement framework and Local authorities must now mark some clear breaks from recent development patterns, evidencing in the process a more rigorous approach to sustainability it is the Local Planning Authorities duty to ensure;

- Proposals for new out of town shopping centres cannot be granted by Local Authorities, where such proposals are considered the decision will be dependant on the regional view of their impact and benefit.
- Urban sprawl prevention and protect and discourage development of greenfield sites.
- Maximised access to and enjoyment of the countryside fringing urban areas
- The promotion of the use of brownfield central sites as a priority.
- The redevelopment of, or even new development of centres in deprived areas with the purpose of improving both the economic and physical environment.
- That planning for the largest or primary centre within the authority does not detriment the provision of goods and services within smaller centres.
- That development where ever possible incorporates mixed-usage i.e. shops and primary fronts - including businesses and recreation facilities with residential dwellings.
- That development is of a higher density, where sensitivities to the historic or cultural environment allow, to minimise the buildings footprint whilst increasing usable floor space.
- That development proposals minimise car usage and incorporate considerations which fully use, extend or enhance public transport networks, and, safe walking or cycling provision.

### **Local Development Documents**

At a local authority level the current mixed system of unitary development plans (in West Yorkshire and South Yorkshire) and the two tier system of structure and local plans (in North Yorkshire and the Humber Authorities) is being replaced by local development frameworks (LDFs).

Strategic documents are interpreted by local development documents offering more detailed policy advice. Local Development Framework Documents (LDFs) are the principal reference point for decisions on planning applications. Developers are strongly advised to contact the Local Planning Authority about the content of these.

Proposals are often referred to and/or discussed with one or more specialist statutory organisations that input to the planning process. An example would be the Environment Agency having an interest where a major drainage facility or a waste licence is required.

### **Supplementary Planning Guidance/Documents**

In addition to Local Development Documents, Local Authorities will also produce supplementary planning documents (formerly guidance (SPG)) this may take the form of design guides, area or site development briefs or issue-based documents elaborating on policies (or proposals) in the local development documents.

Supplementary planning documents must be adhered to by developers and will indicate where design constraints and opportunities may occur. Some SPGs, may specify the types of contribution(s) expected from larger site developers, for

instance those towards open space, public transport provision, and environmental performance criteria.

Developers should seek advice from the Local Planning Authority (LPA) before starting any development, whether new or refurbishment. LPA officers will be able to support them in understanding how the system works and where planning permissions and/or building regulation approvals for proposals are required.

Developers should also be aware that under PPS6 Planning for Town centres Local Authorities are encouraged to use tools such as area action plans, compulsory purchase orders and, where considered appropriate, town centre strategies to address the transport, land assembly, crime prevention, planning and design issues associated with the growth and management of their centres.

### **Regional context**

When the Planning and Compulsory Purchase Act 2004, went through Parliament it changed the current pattern of development plans giving focus to the planning system. At a regional level Regional Planning Guidance (RPG) will be replaced by a 'Regional Spatial Strategy' (RSS) which will have statutory backing.

The RSS replaces RPG as the region's planning framework. It sets out a regional framework that addressing the 'spatial' implications of broad issues like healthcare, education, crime, housing, investment, transport, the economy and environment. This is all about 'how much', 'how big' and 'where' in the region.

Consultation on the 'pre-draft RSS' began in January 2005, the 'pre-draft' stage set out options and ideas on what could be in the draft RSS when it is submitted to Government. The consultation exercise ended in April 2005 and drew together input from over 170 organisations/individuals and generated around 4,000 comments in total. A 'Pre Submission Consultation Statement', setting out the Regional Assembly for Yorkshire and the Humber's consultation in the RSS process is available on their website.

### **National Context**

Section 39(2) of The Planning and Compulsory Purchase Act, makes sustainability appraisal a mandatory requirement, plans must be prepared "with a view to contributing to the achievement of sustainable development".

Developers must understand that the system is statutory, i.e. governed by legislation, and that decisions are steered by planning policies that filter to the local level from the national level.

### **Planning Policy Statements**

The principal form of central government guidance which influences the planning system is a series of Planning Policy Statements (PPSs) issued by the Office of the Deputy Prime Minister (ODPM). These set out policy thinking on a broad range of topics, from housing and transport to renewable energy, and must be taken into account by local authorities and government agencies when they write their planning policies or consider development proposals.

**Minerals and Waste:** Developers should also be aware that there are specialised Minerals and Waste Local Plans which apply across the whole county.

**Land remediation relief:** Businesses may claim relief from corporation tax if they clean up contaminated land, in the UK acquired by the company to carry out its trade and contaminated at the time it was acquired either wholly or in part. The relief can total up to 150 per cent of the clean-up cost. Land remediation tax relief should be claimed for in **tax returns** and companies making a loss because of spending money on cleaning up land may apply for a tax credit of 16 per cent. The relief is only available to companies, not to individuals or partnerships.

## European Context

### The EU Strategic Environmental Assessment Directive

The SEA Directive now incorporated into required national planning frameworks was created with the objective of providing a high level of protection for the environment and ensuring that environmental considerations are integrated into the preparation and adoption of plans and programmes with a view to promoting sustainable development. Environmental assessments are required under the terms of the directive on plans and programmes which are likely to have significant effects on the environment.