

**Cabinet**

**23<sup>rd</sup> April 2014**

Report of the Cabinet Member for Transport, Planning and Sustainability

## **City of York Local Plan Further Sites Consultation**

### **Summary**

1. The purpose of this report is to inform Members of on going work relating to potential Local Plan allocations and seeks permission to undertake public consultation on potential new sites and boundary changes on some of the sites originally identified. These are included in the proposed consultation document – City of York Local Plan – Further Sites Consultation (attached as Annex A to this report).
2. The aim of this consultation is to help inform future recommendations on the portfolio of sites for inclusion in the publication draft Local Plan. This document will be subject to public consultation later this year before being submitted to the Secretary of State for public examination.
3. The report also provides a general update on Local Plan progress.
4. This paper was considered by Members of the Local Plan Working Group on 17<sup>th</sup> April 2014. An update on the outcomes of that meeting will be provided at Cabinet.

### **Background**

5. The Local Plan will be the development plan for York over the 15 year period from 2015-2030. In addition it will set Green Belt boundaries that will endure beyond this period. It includes a vision for the future development of the city and a spatial strategy and covers both strategic policies and allocations, alongside detailed development management policies.
6. The preparation of the Local Plan follows on from the previous Local Development Framework (LDF) process. The Local Plan Preferred

Options document (June 2013) draws from the responses that were received during earlier consultations on the Core Strategy and other LDF documents. The preferred options consultation was subject to consultation between June - July 2013. As reported to Members in autumn last year approximately 5,000 responses were received including around 17,000 comments and a further 9,000 individuals signed petitions. The highest number ever received in York for a consultation of this type.

7. The responses from statutory bodies such as English Heritage, Natural England and the Environment Agency were released publicly at the end of October 2013.
8. With regard to the other responses following legal advice regarding data protection, it was deemed necessary to remove all personal data before making publically available. This is now substantially complete. In addition to aid anyone viewing this information, officers have been working on a summary to help identify responses. This information will be uploaded to the council's website and will be available before the end of April. It will be ensured that this is done before the consultation detailed below commences.
9. The majority of concerns/objections from respondents related to: the overall level of development proposed for York; specific housing sites; sites for Gypsies, Roma & Travellers and Showpeople; and wind turbines (concerns both about particular areas of search and the overall amount included in the plan).

### **Further Site Work**

10. During the preferred options consultation, additional information on sites was submitted by landowners and developers. This included the submission of new sites and further evidence on existing sites. In addition Officers have also been undertaking work with the agent and landowners of strategic sites. This is a key part of the process of assessing suitability and deliverability before progressing to the Local Plan's publication stage. The work undertaken is detailed below.
11. The sites included in the Local Plan Preferred Options Document were selected on the basis of a methodology relating to the plans spatial strategy. It aimed to ensure that through the site selection process the following was achieved by the Local Plan for York:

- **The City's unique heritage is protected** – it involved effectively ruling out sites deemed to be in areas important to the historic character and setting of York, such as, land forming 'Green Wedges' around the historic Strays and river corridors, areas preventing coalescence of villages between themselves and to the main urban area; and areas that retain the rural setting of the city providing views of key landmarks such as the Minster.
- **The protection of environmental assets** – The protection and management of York's Green Infrastructure is considered central to managing any future growth, whether it is publicly or privately owned, statutory or non statutory, identified for its nature conservation or recreational value. Any sites affecting such areas were ruled out of consideration to completely protect environmental assets.
- **Flood risk is appropriately managed** – The geography of the city and its surroundings are such that there are significant areas at risk of flooding. Areas that are considered at high risk of flooding where ruled out.
- **Achieving accessibility to sustainable modes of transport and a range of services** – York is a compact city with generally good public transport services. The relationship of potential sites to this network and ensuring that future sites are in proximity to basic service was a key factor in site selection. Although it was acknowledged that sites over a certain size would be big enough to create their own services and public transport.

12. All new sites put forward for housing and employment were evaluated on the basis of this methodology. In addition where sites had been previously rejected in terms of this methodology, but new evidence had been submitted then this has been reviewed.
13. In terms of Strategic Sites identified in the Local Plan Preferred Options document officers have been liaising with landowners and developers to assess site suitability, viability and deliverability. This is a key requirement of the National Planning Policy Framework (NPPF).
14. The approach taken has involved the application of a four step approach highlighted in Table 1 below. Understanding problems and issues with sites and seeking to resolve them is a key part of the process of developing a 'sound' Local Plan.

## **Further Sites**

15. The outcome of the work identified in paragraphs 10 to 14 above has been the identification of:
  - potential new sites;
  - the reconsideration of some sites that were previously rejected; and
  - potential boundary changes on some of the strategic allocations.
  
16. These three groups of sites are identified in the document attached as Annex A to this report – ‘City of York Local Plan – Further Sites Consultation’. Before making any final recommendations on sites to include in the Local Plan for publication and examination the Council would like to understand the public views on this additional information and associated work.
  
17. In addition the document also details the outcomes of further work that has been done in relation to sites for safeguarded land, Gypsy, Roma & Traveller and Travelling Showpeople, renewable energy, open space and transport. Again the views of the public are considered essential in taking this work forward.
  
18. Annex A is supported by a range of technical appendices which provide additional background information and analysis. It is proposed that they are made available alongside Annex A for public consultation. They are also provided as Annex C to this report and are listed as such at the end of the report.

**Table 1: Approach to Strategic Sites**

Framework	Stage 1	Stage 2	Stage 3	Stage 4
	<b>Confirming the principle</b>	<b>Review</b>	<b>Pre-submission</b>	<b>Submission and beyond</b>
	<p>We need a general understanding of what your site will deliver and for you to confirm that this site should be included within the plan.</p> <p>We need to know that the landowner/developer is willing</p>	<p>We need to have confidence that the site can stay in the Local Plan.</p> <p>We need to understand and agree when the site can potentially be delivered</p> <p>We need to know how any 'showstoppers' can be dealt with</p>	<p>Where the site is to be delivered early on in the plan period, we will need to know the site is deliverable and viable. In other cases, we will need to know how we will work towards delivery</p> <p>We need to know when and what you are going to deliver</p>	<p>We need you to submit your evidence to prove deliverability. For early deliverable sites we will need to demonstrate site viability and for others, an indication of what issues are outstanding</p> <p>Preparation of an outline application / early delivery</p>
<p>Checklist for this stage:</p> <ul style="list-style-type: none"> <li>✓ Set out the vision and aims for your site</li> <li>✓ Explain the relationship to the Local Plan Vision</li> <li>✓ Confirm that the Landowner/ developer is proved to be willing and working together for delivery</li> <li>✓ Demonstrate you are aware of any Potential 'showstoppers' or critical issues affecting deliverability, inc. viability</li> <li>✓ Set out potential levels and timescale of delivery; i.e. indicative numbers, phasing, density</li> </ul>	<p>Checklist for this stage:</p> <ul style="list-style-type: none"> <li>✓ Likely trajectory for delivery inc. phasing and delivery</li> <li>✓ An understanding of general, key infrastructure requirements for the site</li> <li>✓ An understanding of key constraints and potential 'showstoppers' and critical issues</li> <li>✓ Addressing issues raised through Local Plan Preferred Options Consultation</li> </ul>	<p>Checklist for this stage:</p> <ul style="list-style-type: none"> <li>✓ 'Showstoppers' are capable of being addressed within the timescales set out for delivery</li> <li>✓ Delivery trajectory and phasing is understood</li> <li>✓ Where sites are coming forward early in the plan period:                             <ul style="list-style-type: none"> <li>○ An indication of high level viability.</li> <li>○ An indicative concept plan</li> </ul> </li> <li>✓ For sites proposing delivery later in the period: we will need a general 'route map' to delivery of how key issues will be addressed</li> </ul>	<p>Checklist for this stage:</p> <ul style="list-style-type: none"> <li>✓ Evidence to include:                             <ul style="list-style-type: none"> <li>○ Aims and objectives</li> <li>○ Identification and mitigation of show-stoppers</li> <li>○ Land-uses and proposals</li> <li>○ Infrastructure needs</li> <li>○ Phasing and delivery</li> <li>○ Implementation route map and key milestones</li> </ul> </li> </ul> <p>NB: the level of detail required in relation to the above will depend on when the site is likely to come forward.</p>	

## Consultation

19. At this stage of plan preparation there is no regulatory framework to adhere to regarding consultation, however, the approach must be in accordance with the Council's adopted Statement of Community Involvement (2007).
20. There will be a 6 week period of consultation which will commence as soon as possible after Cabinet. All documents will be available online and to view in West Offices Reception and the libraries around York.
21. Statutory Consultees including organisations such as Natural England and English Heritage and General Consultees on the Local Plan database (approximately 8,000 individuals and organisations) will be sent an email/letter informing them of the opportunity to comment and details of the webpage and where to find additional information.
22. In order to conform with the Duty to Cooperate consultation with neighbouring authorities will also take place. Where possible this will use the existing established officer and member groups.
23. Parish Council's will be sent an email/letter informing them of the consultation. In addition officers intend to set up an event for all Parish Council's from the York area to ensure that they have the opportunity to be fully briefed on the current Local Plan position. If possible this will be done through existing organisations.
24. A press release will also be issued to publicise the consultation. Information will also be available via twitter/facebook and if possible through 'Your Voice'.

## Options

25. Officers request that Members consider the following options relating to the 'City of York Local Plan – Further Sites Consultation' document (attached as Annex A to this report):

**Option 1:** that Cabinet, subject to any identified amendments, approve the document attached as Annex A, along with supporting information for public consultation.

**Option 2:** that the Cabinet request that officers make changes to the document and produce a further report and draft for consideration.

## **Analysis**

26. National guidance currently indicates that for a plan to be 'sound' it must be 'justified'. This means a plan must be founded on a robust and credible evidence base. It also highlights the importance of undertaking and reflecting public consultation and indicates that a plan must be 'effective', that is to say, 'deliverable' and 'flexible'.
27. It is important to test any new sites and previously rejected sites with new evidence to enable the sites to be given equal consideration, when compared to sites included in the preferred options Local Plan. An important part of this exercise is public consultation. Furthermore and for the same reasons it is beneficial to test with the public any significant changes to sites proposed in the Local Plan at the preferred options stage, particularly strategic allocations.
28. It is important to carry out this additional consultation prior to the preparation of the submission document in order to demonstrate that all reasonable alternatives have been tested and that the Plan submitted for examination is fully justified. Not carrying it out risks both an unsound Plan at examination and legal challenge at adoption stage.
29. It should be noted that the final draft Local Plan will not be consulted on and submitted for public examination until later in the year. The 'City of York Local Plan – Further Sites Consultation' document (attached as Annex A to this report) is part of the development of the final Local Plan and there will be opportunities to consider comments and reflect on policy development. In addition there will also be opportunities to do further technical work and consider any legal and regulatory issues. Option 1 is therefore recommended as the most appropriate way forward.

## **Next Steps**

30. It is anticipated that a final draft of the Local Plan will be published for consultation mid-year and submitted for examination in autumn.

## Council Plan

31. The options outlined above accords with the following priorities from the Council Plan:

- Create jobs and grow the economy
- Get York moving
- Build strong communities
- Protect the environment

## Implications

32. The following implications have been assessed.

- **Financial** – *Work on the Local Plan is funded through the Local Plan Reserve.*
- **Human Resources (HR)** – *The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within CES.*
- **Community Impact Assessment** *A Community Impact Assessment has been carried out and highlights the positive impact on the following groups: age, disability and race. The full CIA is attached to this report in Annex B. To gather further evidence and additional feedback the following groups will be consulted directly as part of this consultation: Age UK York, York Racial Equality Network, York Travellers Trust and the Showmen's Guild.*
- **Legal** – *The Local Plan has been produced in a way that reflects legal and regulatory requirements. In due course Council will be asked to approve a publication draft Local Plan which will be subject to examination by a member of the Planning Inspectorate before being finally adopted. Members of Council must only finally make their mind up on whether particular sites should or should not be included with particular designations once that plan comes before them for approval.*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** – *None*

## **Risk Management**

33. In compliance with the Council's risk management strategy, the main risks in producing a Local Plan for the City of York are:

- The potential damage to the Council's image and reputation if a development plan is not adopted in an appropriate timeframe.
- Risks arising from failure to comply with the laws and regulations relating to Planning and the Sustainability Appraisal and Strategic Environmental Assessment processes and not exercising Local control of developments.
- Risk associated with hindering the delivery of key projects for the Council and key stakeholders.
- Financial risk associated with the Council's ability to utilize planning gain and deliver strategic infrastructure.

34. Measured in terms of impact and likelihood, the risk associated with this report have been assessed as requiring frequent monitoring.

## **Recommendations**

35. In accordance with Option One, that Cabinet:

(i) approve the document attached as Annex A, along with supporting information for public consultation.

Reason: So that an NPPF compliant Local Plan can be progressed.

(ii) delegate to the Director of City and Environmental Services (CES) in consultation with the Cabinet Member the making of any incidental changes to the draft document that are necessary as a result of the recommendations of Cabinet.

Reason: So that changes recommended as a result of discussions at this meeting can be made.

(iii) delegate to the Director of CES in consultation with the Cabinet Member the approval of a Consultation Strategy and associated documents.

Reason: To ensure that the proposed methods of consultation are satisfactory to Members.

(iv) delegate to the Director of CES in consultation with the Cabinet Member the approval of supporting information and documentation to be published during public consultation.

Reason: To ensure that the proposed methods of consultation are satisfactory to Members.

## Contact Details

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### Cabinet Member Responsible for the Report:

Cllr Dave Merrett  
Cabinet Member for Transport, Planning,  
and Sustainability

Report  
Approved



Date 9th April 2014

## Specialist Implications Officer(s)

Legal: Sandra Branigan, Senior Solicitor  
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**Wards Affected:** *List wards or tick box to indicate all*

All



**For further information please contact the author of the report**

**Annex A: City of York Local Plan – Further Sites Consultation**

**Annex B: Community Impact Assessment**

**Annex C: City of York Local Plan – Further Sites Consultation**

**Technical Appendices** (*Available online only or on request owing to size of documents*)

1: Residential, Employment, Retail Methodology

2: Residential Site Assessment Proformas

- 3: Employment/Retail Site Assessment Proformas
- 4: Changes to Allocated Sites
- 5: Changes to Strategic Sites
- 6: Safeguarded Land Assessment
- 7: Openspace Site Assessment Proformas
- 8: Renewable Energy Methodology and Site Assessment Proformas
- 9: Gypsy, Roma & Traveller and Travelling Showpeople Accommodation Assessment
- 10: Education Site Assessment Proformas
- 11: Transport Site Assessment Proformas
- 12: Sustainability Appraisal Technical Note

**Annex D: Abbreviations**