



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	14 FEBRUARY 2013
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	SITE SELECTION METHODOLOGY - LOCAL PLAN SITES DOCUMENT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To consider consultation responses to the draft Site Selection Methodology (SSM) and agree revisions to it.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members:

- (i) note the consultation responses to the draft Site Selection Methodology set out in Annex 1
- (ii) agree amendments to the draft Site Selection Methodology (as outlined in para 8.5 to 8.9 of this report) and publish a finalised Site Selection Methodology

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To progress production of the Local Plan Sites Document. The SSM will be used to analyse and select preferred sites for allocation in conjunction with public consultation. In addition, prior to the Local Plan Sites Document and Helmsley Plan being adopted, to assist in the consideration of planning applications for housing, employment and retail uses, where appropriate.

4.0 SIGNIFICANT RISKS

- 4.1 The Site Selection Methodology (SSM) relies on information from a number of bodies – including the development industry, statutory agencies and partners - to enable the assessment to be fully undertaken. This reliance on others requires careful management to ensure that timescales are adhered to and could lead to some uncertainty. However this is considered to be a low level risk, as there is an inherent

interest in proposers of sites providing adequate information in a timely manner. Early consultation with other statutory and non-statutory stakeholders will also help to reduce any potential delays in progressing the Local Plan Sites document and Helmsley Plan.

- 4.2 Progression of the Local Plan Sites document and Helmsley plan is reliant on the LPS being found 'sound' and progressing to adoption. This is because Stage 1 of the SSM applies a 'sift' of sites in line with Policies SP1, SP2, SP6 and SP7 of the LPS. However, the risk associated with the specific recommendations of this report is considered to be relatively low. The Inspector conducting the Examination into the Local Plan Strategy has produced an 'Interim Conclusions' report which considers that many elements of the LPS are sound and that the housing elements of the LPS can potentially be made sound through some proposed further changes. Currently consultation is being undertaken on these proposed further changes (main modifications). On this basis it is considered that it is appropriate to continue to progress work on the Local Plan Sites document. It is important to note that the SSM is a procedural and technical tool to enable choices to be made in the selection of potential development sites for allocation and will not form part of the final Local Plan Sites document or Helmsley Plan itself. In that sense it is flexible to any potential changes to the LPS prior to adoption, though time delays remain a potential risk.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The SSM is a supporting technical document for the preparation of the site allocations for the Ryedale Plan. The Ryedale Plan is a key Council policy document setting out the development plan for the District. Specifically the SSM will inform the allocation process through the Local Plan Sites document and Helmsley Plan.
- 5.2 The Ryedale Plan will address a number of priorities outlined in the Council Plan and in the Community Strategies covering the area. It will be a key tool which will help to deliver Aims 1, 2 and 3 of the Council Plan. It is also a key delivery mechanism for many elements of Imagine Ryedale, North Yorkshire Community Plan and the York North Yorkshire and East Yorkshire Enterprise Partnership (LEP).
- 5.3 There have been a series of consultations around Site Selection criteria. Prior to the consultation on the Draft SSM itself, the March 2011 meeting of Council report set out the consultation that was undertaken as part of previous 'Core Strategy' consultations in Summer 2009 and Summer 2010. Both of these consultations had sections and questions relating to the process and factors involved in Site Selection. These have been fully considered and informed the approach of the Draft SSM.
- 5.4 The consultation on the Draft SSM took place in September and October 2011 and was facilitated by 7 consultation questions to focus debate. The consultation was with targeted stakeholders including landowners, developers, agents, statutory agencies and town and parish councils. 34 responses were received principally from key agencies, Parish and Town Councils and from agents representing developers or landowners. From these 29 respondents, approximately 256 separate comments were made. The key comments made are set out in the main report section below. In addition a more detailed summary of comments received to the consultation together with the Council's response are set out in Annex 1.

REPORT

6.0 REPORT DETAILS

6.1 The SSM is a key tool in assessing sites submitted to the Council for potential allocation in both the Local Plan Sites Document and the Helmsley Plan (which is being prepared jointly with the North York Moors National Park). The SSM brings together many factors which have a bearing on the choice of suitable sites for development, and represents an objective and transparent method for assessing sites. It enables sites to be considered both individually (how they perform against the SSM questions by themselves) and cumulatively (how they compare to other sites put forward). The SSM will also form an integral part of the detailed Sustainability Appraisal of the Local Plan Sites document and Helmsley plan.

6.2 Members will be aware that a Draft SSM was agreed at the 10 March 2011 meeting of Council with targeted stakeholders including landowners, developers, agents, statutory agencies and town and parish councils (min 99 refers). The consultation took place (see consultation section below) between September and October 2011. The comments received to the consultation together with the Council's response are set out in Annex 1.

6.3 This report sets out the key changes necessary to finalise the SSM. These are needed to reflect:

- Responses to consultation
- Local and national changes
- Developer Contributions and the Community Infrastructure Levy (CIL)

This report also updates the position on the use of the SSM as a material consideration in planning decisions.

6.4 As the March 2011 report to Council on the draft SSM sets out, the process involved in allocating sites requires the consideration of a significant number of factors. With over 600 sites submitted, this cannot be done in an 'ad hoc' way and the SSM represents an objective method to assist in making an informed choice of which sites are taken forward for allocation. There needs to be a clear audit trail to support the allocation of development sites, including reasons why sites have been chosen or rejected from inclusion as allocations in the allocations documents. The approach taken to site selection will be a key area that is scrutinised when the Local Plan Sites Document and the Helmsley Plan are examined. On this basis, the SSM should be considered as a tool which provides a framework for the informed choice of sites for allocation rather than an end in itself.

6.5 Members will be aware that the Draft SSM proposed 3 separate stages of consideration. These were:

- **Stage 1** - an initial sift of sites which do not fit with the approach of the Local Plan Strategy. This relates to sites which have as part of their development the key land uses of housing, employment and retail. For housing this means assessing sites in the towns – Malton and Norton, Pickering, Kirkbymoorside and Helmsley and the key service villages – Amotherby/ Swinton, Ampleforth, Beadlam/Nawton, Hovingham, Rillington, Sheriff Hutton, Sherburn, Slingsby, Staxton and Willerby, and Thornton le Dale. For employment this involves assessing sites only in the towns, as a criteria based policy approach is applied to the villages. For retail this

involves the consideration of new non-food retail sites – where put forward - in Malton as the Principal Town Centre and then Norton, Pickering, Kirkbymoorside and Helmsley as Local Town Centres. For food retailing this involves appropriate sites only in Malton depending on the capacity available taking into account retail commitments. Also as part of Stage 1, sites which have significant constraints that effectively prevent the site (or part thereof) coming forward for development such as nature conservation or heritage assets, will be discounted (or that part of the site affected)

- **Stage 2** – made up of three assessment levels to allow comparisons between the various factors and to take into account the weighting of those factors. These are:
 - **Assessment 1** - considers key strategic considerations – accessibility, highways and flood risk - which are considered to have more significant weight.
 - **Assessment 2** - considers groups of detailed social, economic and environmental thematic considerations which influence and inform relative merits of each site.
 - **Assessment 3** - considers the deliverability of the site in terms of physical, commercial, legal and other factors. It also assesses whether contributions can be secured from the development of the site to fund necessary infrastructure to deliver the objectives of the plan. Although it should be noted that this will be an ongoing discussion and negotiation with the development industry.
- **Stage 3** – represents the outcome of Stages 1 and 2 to enable Officers to make informed choices based on the results of the detailed assessment.

These stages enable the weighting of key factors to be taken into account, whilst allowing comparison with a range of other factors. Whilst Stage 3 is concerned with the commercial deliverability of a site – it is an essential component in the selection of sites.

Responses to Consultation

- 6.6 As part of the consultation on the Draft SSM a number of points - in many cases points of detail – have been raised. Detailed responses to comments received are set out Annex 1. However the key points are summarised below:

General

- Agreement in having a SSM and in relating them to the plan and sustainability objectives
- Majority agreement to the principle of a site sift under Stage 1 subject to alignment with the LPS terminology. Suggestion that HSE zones should also be included here
- General agreement to the prioritisation of factors under Stage 2 – Assessment Level 1 though with consideration of potentially improved accessibility from new development
- Support for not numerically scoring sites and considering sites in the balance

Development Industry

- The SSM is too onerous and costly – introducing issues which are premature at the allocation stage when no certainty that sites may be taken forward – could be cost prohibitive. SSM should therefore be streamlined as only major developers with the largest sites will be successful

- Questions are too detailed/ too complex for the allocation stage
- Questions on developer contributions invite developers to offer a financial contribution which is premature and cannot be 'sound'.
- Unclear about how relationship to the development limits or built form of the settlement is considered apart from the issue of coalescence at Q11
- Concern that some responses should have neutral scores rather than perceived penalty of negative scores when mitigation not possible.
- Concern over lack of clarity around scoring, in particular how it will be quantified, compared or accumulated to determine the acceptability of a site.
- Suggestion that the SSM should not be too prescriptive and allow flexibility for local circumstances
- Greater acknowledgement should be given to the benefits of working with landowners/ agents
- Concern that SSM is not tailored to sites being considered through the Helmsley Plan
- Fit with the Objectives seem dominated by Ryedale objectives and not the National Park.
- Concern over exclusion of sites that partially lie in Flood Zone 3b
- Concern over parity of flood risk factors and consider that sites with flood risk that can be fully mitigated should be the same as sites with no flood risk
- Concern that the then Core Strategy was at a draft stage and that the strategy may change with other settlements being added.
- Suggestion of a smaller site threshold being appropriate.
- Consideration of flood risk in the SSM conflicts with national planning policy – should rely on that
- Concerns about the reliance on the SHLAA at Q52 as it is only a raw assessment of a site's potential
- SSM should consider variable density levels taking into account local circumstances
- Suggestion of 'wider benefits' being taken into account
- Too much emphasis on prioritising previously developed land

Agencies, Groups, Town and Parish Councils

- SSM should ensure that biodiversity, geodiversity, special landscapes, nature conservation sites and natural resources are taken into account.
- Suggestions of revisions to the flood risk section to better reflect national policy and revised scoring.
- Suggestions of climate change resilience measures for Q36
- Additional question suggested related to proximity to Waste Water Treatment Works
- Suggested change to scoring of SuDs for Q35
- Suggested amendment to Q 48 to include 'impact'
- Should only sift designated heritage assets at Stage 1 and wording should reflect national policy.
- Suggest question relating to the reuse or adaptation of existing buildings
- Include input from the Highways Agency for Q43 and Q44
- Geology needs to be mentioned alongside Species and Habitat and Heritage Asset.
- No definition of employment uses, community uses, the elderly and "significant harm to heritage assets".
- Need careful consideration of the environmental impact of development both in

- terms of the built and natural environment
 - Concern over SSM not taking into account equitable split of housing between service villages.
 - Do not wish development to adversely affect service villages.
 - SSM is formulaic
 - Council should be aware of the Malton and Norton Neighbourhood Plan when considering site selection
- 6.7 Importantly, the principle of having a SSM was accepted by the vast majority of respondents. On this basis it is considered that the broad structure and content of the draft SSM (as outlined above) remains appropriate and that a number of changes are required to address points of concern raised from the consultation. The key suggested changes are set out here, however further detailed changes are set out in Annexes 1 and 2:
- Amend questions relating to developer contributions
 - Add question relating to the relationship of the site to existing development or commercial limits
 - Add 'smell' to amenity consideration in Q29.
 - Provide greater clarity to supporting text of Q39.
 - Amend scoring on Q18 to have a single minus for sites which have investigated waste reduction, however only limited measures are achievable.
 - Revise threshold to have 0.3ha for the Market Towns and 0.15ha for the Service Villages, reflecting the smaller scale of development in Service Villages.
 - Amend wording on page 17 relating to Flood Zone 3b to add "for built development" after "that part of the site will not be considered further".
 - Revise questions to flood risk in line with response from the Environment Agency.
 - Add in potential 'resilience measures' to Q36 as suggested by the Environment Agency.
 - Add in question relating to Waste Water Treatment Works (WWTW) as suggested by Yorkshire Water.
 - Amend Q35 scoring for SuDs in line with Yorkshire Water response and change name to Sustainable Drainage Systems.
 - Revise Q48 to include the word 'impact'
 - Amend phrasing of Stage 1 sift relating to heritage assets to reflect national policy in line with English Heritage response
 - Include reference to the Highways Agency in Q43 and Q44.
 - Make specific reference to LPS Policies and North York Moors National Park Core Strategy policies in the SSM where relevant.

Local and National Changes

- 6.8 There are also a number of changes required to the SSM to reflect recent changes, both at a local and national level, since 2011. Members will be aware of the progression of the Local Plan Strategy (LPS) through the Examination process. The Local Plan Strategy therefore has reached an advanced stage, supported by the Inspector's 'Interim Conclusions'. Given that the SSM is a tool for selecting sites, the LPS is integral to the application of the SSM. Specifically it is important for the application of Stage 1 of the SSM approach as well as other thematic policies of the LPS being relevant to Stage 2 and the assessment of outcomes in Stage 3.
- 6.9 Whilst there is outstanding consultation on the further proposed changes for the LPS, Officers believe it is appropriate for the SSM to be finalised to ensure swift progression of the Helmsley Plan and Local Plan Sites Document. Members should note that the Draft SSM was prepared on the basis of the Draft Core Strategy

document from 2010. Therefore it is also considered that the finalisation of the SSM should be done on the basis of the latest version of the LPS with the changes included (that is the proposed changes and further proposed changes). On this basis, it is suggested the following changes to the Draft SSM should be made as a result of the latest version of the LPS:

- Reflect the latest version of LPS objectives in the SSM
- Ensure that wording of LPS is reflected in the Stage 1 sift including reference to sites 'at' the settlements.
- Amend Q14 of the SSM to reflect the Energy Hierarchy set out in LPS Policy SP18
- Amend Q17 of the SSM to reflect amended Policy SP18 relating to Sustainable Building Standards
- Update Q41 and Q42 to reflect the latest version of the LPS, in terms of affordable housing target and threshold as well as elderly provision.
- Update Q54 and Q55 on Developer Contributions as set out in para 8.9 below
- Ensure internal consistency of the SSM in relation to reference to the Helmsley Plan being progressed in conjunction with the North York Moors National Park.
- Ensure that any other minor consequential amendments are made to the SSM as a result of changes to the LPS.
- Ensure internal consistency of SSM in terms of references to Helmsley Plan.

6.10 Clearly if the Inspector's report results in further changes to the LPS which would have implications for the SSM, a further report would be brought back to Members.

6.11 Since the Draft SSM was produced, National Planning Policy has changed with the introduction of the National Planning Policy Framework (NPPF). Whilst this change represents a significant simplification of national planning policy, the core planning principles of national policy remain in the NPPF, albeit expressed with greater brevity. On this basis, Officers are of the view that this does not present any implications for the SSM itself in terms of substantive amendments. However as the SSM does refer to national policy in relation to a number of areas such as flood risk, it will be necessary to update these references – both in the supporting text and the questions - as necessary.

Developer Contributions and Community Infrastructure Levy (CIL)

6.12 The SSM also seeks to provide a consideration of the critical balance between delivering development that best meets the objectives of the LPS, yet remaining deliverable and developable. Assessment 3 of Stage 2 of the SSM in particular covers Deliverability and Developability. As outlined in the March 2011 report to Council, the subject of developer contributions is an area where significant discussion and negotiation with developers is necessary, even at the allocations stage. When the draft SSM was prepared, the Council had not commissioned any work on the Community Infrastructure Levy (CIL) and indeed there was doubt at the time whether the Coalition Government was minded to continue with the CIL approach to developer contributions. The Government has confirmed its support for the continuation of the CIL approach and has subsequently brought in revised regulations and guidance. In light of this, the Council commissioned Peter Brett Associates in December 2012 to undertake work on CIL with the aim of introducing a CIL Charging Schedule which will set a standard levy or charge per sq m of qualifying development. Whilst many forms of District wide infrastructure will be funded through CIL, it is important to note that on-site developer contributions, such as affordable housing, will continue to be collected via the Section 106 (s106) Legal Agreement. Section 106 agreements will continue to be the subject of negotiation, however it

should be noted that CIL is a fixed charge on development which is intended to give certainty to developers about the costs in developing a site. The CIL Charging Schedule will be supported by a viability assessment which takes into account a range of factors and costs including s106 developers contributions. It will also be subject to Independent Examination to ensure compliance with the Regulations.

- 6.13 In light of this, and also in light of the significant response from developers on this subject, the SSM will need to be updated to reflect this change. Specifically question 55 of the Draft SSM assessed whether the £5,10,15k per dwelling is achievable and was based on the Affordable Housing Viability Study undertaken for the LPS. This will need to be updated in light of the work on CIL and the stage of the LPS. Officers propose that Q55 will simply reflect whether the requirements of the CIL charging schedule can be met. Question 54 will consequently be amended to just reflect whether the normal range of s106 requirements can be met. Together these amended questions will assess the ability of a site to provide appropriate levels of developer contributions.
- 6.14 A summary of the proposed changes to the SSM, incorporating all those mentioned above, is available in Annex 2.
- 6.15 Officers consider that the changes necessary to finalise the SSM, as outlined in this report, do not substantially alter the nature of the SSM. It is considered that as the key principles of the SSM were supported by consultation, it is an appropriate mechanism for informing choices on sites. On this basis Members are asked to agree the recommendations set out in para 2.1.

Site Selection Methodology and the Development Management Process

- 6.16 As outlined above, the SSM is not a policy document in itself, but rather a tool to inform objective choices around sites. On this basis the role of the SSM is primarily for plan-making and specifically enabling comparisons between a range of competing sites for potential allocation. In agreeing the draft SSM, Members agreed to use it for Development Management purposes. However planning applications in the future will in most cases – given its advanced stage - be judged against the LPS. Officers therefore consider that the SSM, taken in isolation, will have a limited role in guiding planning decisions. Any decision will need to be taken in conjunction with other relevant evidence depending on the nature of the proposal. Key evidence documents include the Strategic Housing Land Availability Assessment (SHLAA), Strategic Housing Market Assessment (SHMA), Employment Land Reviews (ELR) and Retail Capacity Studies (RCS). As the Local Plan Sites document and Helmsley Plan progress through the plan making stages, they will start to be given weight in planning decisions in line with para 216 of the NPPF.

Next steps

- 6.17 The SSM will be finalised and then published on the Council's website. It will also be circulated amongst landowners, developer and their agents. Officers will then apply the SSM to the sites with results being set out in a grid by settlement. This will form part of the choice of preferred sites for consultation. Any outstanding information will be requested from the proposers of the sites to ensure that the assessment can be undertaken as fully as possible. It is also important to note that this is an iterative process as it will also be dependent on receiving information from statutory consultees (such as flood risk from the Environment Agency) and any assessment work (such as highway modelling from NYCC/ Highways Agency). The precise timescales will be set out in a future report to Policy and Resources Committee regarding the progression of the Local Plan Sites document and Helmsley Plan including any consequential revisions required to the Local Development Scheme.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

The preparation of the Ryedale Plan is covered by the existing service budget.

b) Legal

The Local Plan Sites document and Helmsley Plan will form part of the statutory Development Plan for Ryedale on adoption. It is essential that their preparation follows the provisions and procedure laid out in the Planning & Compulsory Purchase Act (2004) (as amended by the Localism Act 2011) and the Town & Country Planning (Local Planning) (England) Regulations 2012.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

The SSM is a site selection tool which is carried out as part of the preparation of the Local Plan Sites and Helmsley Plan. The Local Plan Sites document and Helmsley Plan will be subject to Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment and Habitat Regulation Assessment. The SSM is an integral element of the SA process as the assessment is based on the both the objectives of the Ryedale Plan and the North York Moors Core Strategy. An Equality Impact Assessment (EqIA) of the Local Plan Sites document and Helmsley Plan will also be undertaken as part of their preparation.

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Background Papers:

Local Plan Strategy (LPS): Publication Version
Proposed Modifications and Further Proposed Modifications to the LPS
Draft Site Selection Methodology
Draft Core Strategy - Summer 2010
Draft Core Strategy Sustainability Appraisal Report – July 2010
Summer 2009 Consultation Comments and the Council's Response – July 2010
National Planning Policy Framework (NPPF) – March 2012

Background Papers are available for inspection at:
Ryedale House and <http://ldf.ryedale.gov.uk>