



REPORT TO: COUNCIL

DATE: 10 MARCH 2011

REPORT OF THE: HEAD OF PLANNING
GARY HOUSDEN

TITLE OF REPORT: SITE SELECTION METHODOLOGY –
SITES DEVELOPMENT PLAN DOCUMENT

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To consider the proposed Site Selection Methodology for specific targeted consultation with the development industry and relevant bodies. This detailed methodology takes forward the broad Site Selection Criteria that were included in the Draft Ryedale Plan which was agreed by Members for consultation in Summer 2010.

2.0 RECOMMENDATION

2.1 That Council is recommended to:

- (i) approve the proposed Site Selection Methodology for consultation with relevant stakeholders (Annex 1)
- (ii) note the consultation responses to the Site Selection Policy in the Draft Core Strategy set out in Annex 2
- (iii) delegate approval to the Chief Executive in consultation with the Chairman of Policy and Resources Committee to agree any minor textual and contextual amendments to the Site Selection Methodology
- (iv) have regard to the proposed Site Selection Methodology in the assessment of planning applications in advance of the Sites Development Plan Document (DPD) or Helmsley DPD being completed.

3.0 REASON FOR RECOMMENDATIONS

3.1 To progress work on the Sites Development Plan Document (DPD) in selecting sites and to assist in the consideration of planning applications for housing, employment and retail uses prior to the Sites DPD or Helmsley DPD reaching an advanced stage.

4.0 SIGNIFICANT RISKS

4.1 The Site Selection Methodology (SSM) relies on information from a number of bodies – including both the development industry and statutory agencies - to enable the

assessment to be fully undertaken. This reliance on others may cause uncertainty in terms of timescale and quality of information. This situation however is completely normal as SSM raises issues which require further work to be undertaken by proposers of the sites, by the Council and by other statutory and non-statutory bodies. Early consultation with relevant stakeholders is essential to make timely progress with allocating sites in the Sites DPD.

- 4.2** As has been set out in previous reports to Council (29 July 2010 – Core Strategy Consultation and 30 September 2010 – Implications of Revocation of the RSS), the Coalition Government is reforming the planning system through the ‘Localism Bill’. This includes a number a number of changes which may impact on the work of the Council in taking forward the Ryedale Plan. The Bill is going through the normal Parliamentary process and its content may be subject to change. The Government’s position remains that Local Planning Authorities should continue to make progress with the production of Local Development Frameworks (LDFs). However, these reforms will continue to present an ongoing risk to the timely progress of the LDF until the precise detail and implications of the reforms becomes apparent.

5.0 BACKGROUND AND INTRODUCTION

- 5.1** Members will be aware of the progress of the Core Strategy to date. It is anticipated that a ‘publication draft’ of the Core Strategy will be formally published this summer. However Officers are aware that the lack of a 5 year housing supply is a sensitive issue and as well as progressing the Core Strategy, Officers are also advancing work on the sites document. It is important to note that the proposed methodology is not an interim planning policy, but rather an approach to selecting sites for potential allocation through the Sites or Helmsley DPD. However, key elements of the methodology are consistent with national policy and on this basis, the methodology provides a useful context for the development management process.
- 5.2** Ryedale’s Sites DPD will be the main document for allocating sites in the District. Members will be aware that the Council has agreed to work jointly with the North York Moors National Park Authority on a Helmsley DPD. This will include allocated sites at Helmsley. Officers will look to work with the National Park Authority to ensure that site selection is undertaken on a consistent basis. The methodology set out in Annex 1 will be a key way of achieving this.
- 5.3** A key part of choosing sites for allocation in the Sites DPD and Helmsley DPD is the process of site selection. There are many factors which have a bearing on the choice of suitable sites for development, and it is important that an objective and transparent method is adopted for this assessment. Members will recall that consultation was undertaken on the Core Strategy in both Summer 2009 and Summer 2010. Both of these consultations had sections and questions relating to the process and factors involved in Site Selection. A summary of the consultation response on this issue is given in the Consultation section of this report. It should be noted that the methodology will be used in any policies designed to phase the release of sites in the Sites DPD and Helmsley DPD.
- 5.4** The responses to the consultation in 2009 and 2010 have been taken into account and informed the approach to the Draft SSM. The details of how the comments have been taken into account are set out in Annex 1.

6.0 POLICY CONTEXT

- 6.1** Members are aware that the Council is required to produce a local development plan.

It will be a key tool which will help to deliver Aims 1, 2 and 3 of the Council Plan and is also a key delivery mechanism for Sustainable Community Strategies.

7.0 CONSULTATION

7.1 Consultation is integral to the production of the LDF. In particular specific questions were asked on site selection as part of the Summer 2009 and 2010 Core Strategy consultations. A two stage process of site selection was proposed in both consultations. Stage 1 is a 'sieve' of all those sites which do not meet the settlement hierarchy and strategy set out in the Core Strategy. Stage 1 also seeks to 'discount' sites (or part thereof) which fall into Flood Zone 3b, which is classed as 'functional floodplain, and which is at the most risk of flooding. Stage 2 then sets out a number of factors, grouped by theme which the sites would be assessed against, such as accessibility, highways, previously developed land and flood risk. Questions were asked whether respondents agreed with the Council's approach to the Stage 1 'Sieve', whether they agreed with the factors set out, whether there were additional factors that should be considered and finally whether there should be any 'weighting' to reflect the differing importance of the factors.

7.2 The following key points were made in response to those consultations:

- Substantial agreement for the Stage 1 'sieve' of sites and broad support for the factors set in Stage 2. Some concern that Malton and Norton were being treated differently in the 2009 consultation as all sites - not just those adjacent to the development limits - would be considered. Also confusion over the phrasing of sites that partially lay in Flood Zone 3b.
- Concern that consultation on this subject was too specific for the Core Strategy.
- Concern that no detail is given on how the consideration of sites in Stage 2 would be undertaken – for example a scoring approach or matrix.
- Suggestion that weighting needs to be taken into account in Stage 2 as some factors are more important than others, and decisions need to be made on a transparent basis. In particular transport and accessibility issues were considered more important as was developing 'brownfield' sites first and avoiding unnecessary encroachment into the open countryside. Another respondent also thought that community impact, impact of population increase and historic and cultural factors should be considered to carry more weight in Stage 2.
- Suggestion, particularly from proposers of development sites, that the deliverability and developability of the site should be recognised.
- Suggestion that sites which affect Special Protection Areas, Special Areas of Conservation and Sites of Special Scientific Interest should be included in Stage 1.
- Suggestion that both cultural and heritage assets as well as a full list of environmental designations should be listed as considerations.
- Concern that no detail around how the approach to flood risk in Stage 2 would be tackled in terms of the sequential test as set out in Planning Policy Statement 25: Flood Risk.

8.0 REPORT DETAILS

The Site Selection Methodology (SSM)

8.1 The process of allocating of sites requires that a significant number of factors are taken into account and this needs to be managed. There is numerous planning, heritage and nature conservation legislation that requires that impacts from

development are taken into account as well as national planning guidance and other best practice. With over 500 sites submitted, this cannot be done in an 'ad hoc' way and it is essential that an objective and transparent method for choosing sites is taken forward. A Site Selection Methodology therefore provides the means of achieving this by becoming a tool which provides a framework for the informed choice of sites for allocation.

8.2 In light of the consultation responses outlined above and ongoing liaison with key agencies and the development industry, Officers have produced a first draft of the Site Selection Methodology which is appended to this report in Annex 1. To ensure that the SSM taken forward embodied the strategic direction of the Core Strategy and broad sustainability principles, the site selection factors were assessed against the Core Strategy and LDF sustainability objectives. Additionally to ensure alignment with the National Park's LDF, an assessment of the fit between Ryedale's objectives and the National Parks Core Strategy and Sustainability objectives was carried out. This ensures that a broad range of social, economic and environmental factors have been taken into account. Following this process, and from the content of consultation responses a number of additional factors have been added. This has led to the need to embody three stages in the site selection process:

- **Stage 1** - is an initial sift of sites which do not fit with the approach of the Core Strategy or have significant constraints (such as falling within the 'functional floodplain' of Floodzone 3b) which effectively prevent the site coming forward for development. This is similar to the approach taken into the consultation but also now includes impact on nature conservation sites and heritage assets as suggested by consultation.
- **Stage 2** – is 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 - that should be given due weight through this methodology and which were supported at consultation as having more significant weight.
 - **Assessment 2** - considers groups of detailed 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 the likely contributions that can be secured from the development of the site to necessary infrastructure to deliver the objectives of the plan. This will be an ongoing discussion and negotiation with the development industry.
- **Stage 3** – represents the conclusion of Stages 1 and 2 to enable Officers to make informed choices based on the results of the detailed assessment.

Undertaking the assessment in this way enables the weighting of key factors to be taken into account, whilst allowing comparison with a range of other factors. However the commercial deliverability of a site is still essential.

8.3 The SSM applies the approach of the Core Strategy for the key land uses which are housing, employment and retail. Mixed-use sites are also included where they involve elements of the key land uses. 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 sites, allocations will only be made in the Towns in line with the findings of the Employment Land Review. For the villages no allocations will be made, however the plan will support small-scale employment opportunities as they arise. 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.

- 8.4 Questions were asked through consultation regarding whether the Council intended to 'score' or 'rank' sites as a means of analysing the sites. The view of Officers is that this systematic approach is too inflexible and does not take into account the particular nature of some – particularly social and environmental - factors which cannot be assessed in such a formulaic manner. Indeed the approach proposed attempts the balance of categorizing sites but to do so in a way which allows comparison of the various elements to enable an informed choice to be made. Therefore a rating system similar to that used in the Sustainability Appraisal of the Core Strategy, with positive and negative outcomes, has been suggested for each stage. Officers believe that approach, together with the introduction of additional stages into the process introducing a form of weighting the importance of certain factors, is a reasonable and fair approach.
- 8.5 It is important to note that the SSM is not a single assessment, it is part of an iterative process where information is built up and analysed over a period of months. Proposers of sites are now required to produce a greater amount of detail and this process cannot be a surprise. Indeed it is essential to positively engage the development industry for them to have confidence in the process, and ultimately for the right development to take place in the right places. All the Stages of the SSM involve the gathering of further information to enable assessment to take place. This SSM effectively 'signposts' developers to the likely site specific requirements needed to progress their site. However this is not only to be done by developers – it also involves information gathering by statutory and non-statutory bodies who provide some of this information, including this Council and North Yorkshire County Council. It is essential therefore that this process begins now, so that proposers of the site are aware of the likely information requirements from them. Consultation on the Draft SSM will assist in ensuring that a broad consensus is achieved over the detail of the assessment.
- 8.6 Assessment 3 in Stage 2 represents a critical balance between delivering development that best meets the objectives of the Core Strategy, yet remaining deliverable and developable. In particular developer contributions is an area where significant discussion and negotiation with developers will be necessary and this will inform the Council's approach to collecting developer contributions, whether this will be the traditional s106 legal agreements or through a developer tariff approach such as Community Infrastructure Levy (CIL). The Coalition Government has recently consulted on revised proposals for the collection of contributions through CIL, however revised guidance has not yet been published.
- 8.7 The SSM has been compiled relying on the information from a number of statutory and non-statutory bodies, who have provided information relating to their area of expertise. Additional information may be received prior to consultation on the SSM, and Members are asked to give authorisation for minor textual or contextual

amendments to the SSM prior to the consultation taking place where appropriate. It is not anticipated that will lead to any substantive changes in the methodology.

SSM and the Development Management Process

8.8 The development of the SSM raises questions relating to whether it should be used to assist in determining planning applications prior to 'weight' being attached to the Core Strategy or Sites DPD. Members will be aware that a number of housing applications have been submitted outside the defined development limits of settlements, a number of which have been approved and some are pending determination. Similarly an employment proposal has also been approved at York Road Industrial Estate, Malton which is outside current development limits. Applications for new foodstores at Lidl, Norton and Lidl, Pickering have also been approved for food retail proposals outside the Town Centre commercial limits recently (permission for Aldi has also been agreed in principle but is awaiting a legal agreement).

8.9 National guidance on housing is set out in Planning Policy Statement 3: Housing (PPS3). Paragraph 71 states that where the planning authority cannot demonstrate an up to date 5 year deliverable supply of housing, "they should consider favourable planning applications for housing". This is subject to the criteria set out in paragraph 69 of PPS3 namely:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.

Ryedale remains in the position of not having a 5 year deliverable housing supply, and the Sites DPD and Helmsley DPD remain at early stages of production. The criteria set out in paragraph 69 is rather generalised and it is considered that using the detailed questions in the SSM represents a more locally detailed assessment of those four broad criteria.

8.10 The consideration of employment development is different to that of housing and is set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), and the suite of EMP policies in the Ryedale Local Plan. National policy is more flexible over where new employment sites are located in relationship to the specific development limits of a settlement. However sustainability considerations including accessibility to a working population still equally apply to employment sites. It is therefore considered appropriate that the SSM will assist in assessing new employment development in Ryedale's towns as it embodies the findings of the evidence base as set out in the Employment Land Review Update 2010.

8.11 Retail applications are subject to a strict 'sequential test' as set out in PPS4 which ensures a 'town centre first' approach to new retail development. Therefore retail applications are concerned with their relationship to the Town Centre commercial Limits defined in the Ryedale Local Plan. The SSM has been designed to take into account retail uses, in particular the guidance set out in the various Retail Capacity Studies undertaken by Roger Tym and Partners. Therefore it is also considered appropriate that the SSM be used as a framework to inform the assessment of planning applications for new retail development in Ryedale's towns.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

- a) Financial
The preparation of the LDF to date is covered by the existing service budget and the additional resources.
- b) Legal
It is essential that the LDF follows the procedure laid out in the Planning & Compulsory Purchase Act (2004) and the Town & Country Planning (Local Development) (England) (Amendment) Regulations 2008. However the 'Localism' Bill is currently being proposed through Parliament, the final provisions of which are not yet known.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
An Equality Impact Assessment (EqIA) of the Core Strategy will be undertaken as part of the Publication draft Core Strategy. As the Site Selection Methodology is based on the Core Strategy and Sustainability Appraisal Objectives, this EqIA equally relates to this.

10.0 NEXT STEPS

10.1 Targeted consultation on the SSM will be undertaken as detailed above with the development industry, as well as relevant statutory and non-statutory bodies in Spring 2011. During this period Officers will be asking proposers of the sites to submit the required level of detailed information. Officers aim to produce an initial list of preferred sites by the end of the year however this will be influenced by the extent to which the proposer of sites submit required information and the capacity agencies (such as NYCC and the Environment Agency) to provide necessary information. Officers will liaise with Officers at NYMNPAs to agree a way forward for the selection of sites at Helmsley.

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Background Papers:

Draft Core Strategy - Summer 2010
Draft Core Strategy Sustainability Appraisal Report – July 2010
Summer 2009 Consultation Comments and the Council's Response – July 2010
Planning Policy Statement 3: Housing – June 2010
Planning Policy Statement 4: Planning for Sustainable Economic Growth – December 2009

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