

**Draft Strategic Housing and Economic Land Availability Assessment (SHELAA)**

**Consultation 28<sup>th</sup> November – 19<sup>th</sup> December 2019**

**Response Paper – Published Feb 2020**

<b>Representation (verbatim)</b>	<b>Council's Response</b>	<b>Change Made to SHELAA Methodology</b>
<p>Re: Consultation on the Strategic Housing and Economic Land Availability Assessment (SHELAA) Methodology 2019</p> <p>Thank you for your recent consultation in response of the above mentioned draft SHELAA Methodology.</p> <p>The Canal &amp; River Trust (the Trust) is a charity entrusted with the care of over 2000 miles of canals, rivers, docks and reservoirs in England and Wales. These historic, multifunctional assets form part of the strategic and local green infrastructure network, linking urban and rural communities as well as habitats. Our waterways contribute to the health and well-being of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time.</p> <p>Within Craven District, the Trust owns and manages the Leeds &amp; Liverpool Canal.</p> <p>Whilst the Canal &amp; River Trust is a statutory consultee on certain types of planning applications under the Town and Country Planning (Development Management Procedure) (England) Order 2015, in order to meet the Trusts wider objectives it is also of vital importance to us to engage with the production of planning policy to ensure that all levels of planning policy and associated documents provide a robust policy</p>	<p>Comments on assessing the suitability of sites are noted and welcomed. When considering the risk of noise and fumes from neighbouring uses, the Council will ensure these issues are taken into account during the assessment of neighbouring land uses in Part 2 of the assessment. This would include recording existing land uses including boatyards, moorings and the Leeds and Liverpool Canal.</p> <p>Comments on assessing the achievability of sites for development are noted and welcomed, however the SHELAA is very broad assessment of the suitability and achievability of sites and does not assess site specific constraints in detail. If a SHELAA site requires access over the Trust's network or would generate significant additional towpath use the Council will consult with the Trust during a more detailed assessment of SHELAA</p>	<p>The last sentence of paragraph 3.31 of the methodology be amended to include the Canal &amp; Rivers Trust.</p>

<p>framework that recognises and supports canals, rivers and docks as a cross-cutting policy theme, and acknowledges the diverse roles which they perform.</p> <p>The Trusts specific interest in any future SHELAA relates primarily to those sites in proximity to its waterways and assets, where the Trust is keen to ensure high quality development which responds positively to its waterside location whilst safeguarding the structural integrity of waterside infrastructure and the safety of its users.</p> <p>We wish to make the following comments in relation to the emerging methodology:</p> <p><b>Assessing Suitability of Sites for Assessment</b></p> <p>The Trust welcome the indication in paragraph 3.14 that physical constraints, the potential impacts of development on the landscape and the environmental/amenity impacts experienced by prospective residents and neighbouring areas are proposed to be considered in assessing a site's suitability.</p> <p>We advise that account should be given towards the impact of the development on the landscape and historic character of the waterway network; and the impact of boatyards and moorings upon the living conditions of prospective residents as part of this assessment. We welcome the list of criteria in Table 1. However, we do believe that additional focus could be given to the risk of noise and fumes from neighbouring uses, which could otherwise be overlooked, when assessing for the suitability of land for housing.</p> <p><b>Assessing the Achievability of Sites for Development</b></p>	<p>sites during the local plan review. This would ensure that any mitigation measures deemed necessary to prevent harm to the Trust's assets which may be generated by development and future additional use are identified.</p> <p>Comments relating to paragraph 3.31 of the methodology in terms of how site constraints can be overcome are noted and welcomed.</p> <p>The Canal and River Trust, as a statutory consultee, will be consulted throughout the local plan review, in addition to being consulted on individual, relevant planning applications.</p>	
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In our capacity as landowner and statutory undertaker, feedback from the Trust could be important in order to allow for an assessment as to whether certain development sites are achievable.

With regards to access, several sites may require the provision of a new or revised access over our network. We request that the Trust should be consulted in the event of such sites so that we can provide information with regards to the suitability of any new bridge crossing that may be required. Account would need to be given towards the clearance above our network and the setting of the waterway, and our feedback could be crucial in order to allow an assessment to be made to the achievability of development in such cases.

Sites could also rely on the Trust's assets to provide for local recreation or for walking and cycling access to services and employment. This can result in liabilities for the Trust, including the potential for additional towpath repair. In such circumstances, improvements to the towpath may be necessary in order to overcome the harm that could be generated by new development. We advise that the Trust should be consulted in the event of applications that could generate significant additional towpath use, so that we can ascertain and provide feedback as to whether this additional use could constitute a constraint to future development, and to advise on any mitigation that may be required.

We welcome the confirmation in paragraph 3.31 that due consideration will be given towards how constraints (which may include access) can be overcome. We request that the Trust are included within any consultation where development could rely on the use of our land or property.

(S Tucker, Canal & River Trust)

<p>Many thanks for the consultation in regards to the methodology for the forthcoming SHELAA, in regards to the inputs to this however at this stage Highway's England (on behalf of the Secretary of State for Transport) would not wish to provide any formal comments.</p> <p>Once however the methodology has been seen by the Council for their own Plan and how it plans to then determine housing numbers and proposed locations, we will as always be happy to start the consultation process to establish any effects on the continued safe operation of the Strategic Road Network.</p> <p>(S Jones, Highways England)</p>	<p>Comments noted.</p> <p>Highways England, as a statutory consultee, will be consulted throughout the local plan review.</p>	<p>None.</p>
<p>Re: Strategic Housing &amp; Economic Land Availability Assessment Consultation</p> <p>I am writing to express my views on the above.</p> <p>The methodology proposed is contrary to the whole purpose of local government, which is that decisions affecting local communities should be taken by local people using their local knowledge.</p> <p>Instead this methodology renders that knowledge redundant as it seeks to impose a formulaic process. If it is adopted we might as well replace Councillors and planning staff with robots and computers, indeed that nightmarish situation is not far from us as was evident from how the Local Plan was prepared. Thousands of pounds were wasted on the fees of supposed experts, who knew nothing about Craven and who produced reports based largely on information supplied by other self-styled experts. For example, one set of Consultants relied upon information from the Environment Agency, which, having no local knowledge, based its conclusions on information from the Council. Unfortunately, the Council itself has too many 'here today gone</p>	<p>Comments noted.</p> <p>The requirement for preparing the SHELAA is set out in the NPPF (2019) at paragraph 67 which states that <i>'Strategic policy making authorities should have a clear understanding of available land in their area through preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability'</i>.</p>	<p>None.</p>

<p>tomorrow' officials, and those that do stay tend to live in fairly close proximity to Skipton which results in large areas of the District being almost foreign to the staff. Those people then provided the Environment Agency with nonsensical comments on certain proposed sites and the Environment Agency reached its conclusions accordingly. In other words there was a merry-go-round of incompetence.</p> <p>Unfortunately, what is now proposed in relation to the SHELAA will only perpetuate that ridiculous system. Instead Craven should:-</p> <ol style="list-style-type: none"> <li>1. Seek to increase the number of District Councillors.</li> <li>2. Devolve some functions to offices in other parts of the District – closing Settle Town Hall was a serious error of judgement.</li> <li>3. Pay real attention to the views of Parish Councils (and I am not a Parish Councillor) instead of treating them as irrelevant and eccentric.</li> </ol> <p>(D Jordan)</p>		
<p>Re: Assessment of suitable SHELAA sites.</p> <p>I am concerned that selection of sites for further consideration does not take account of the impact of climate change.</p> <p>Part 1 (c) implies that providing sites in Flood Zone 1 which exceed .1 hectare will not be rejected and can be considered as suitable for further assessment.</p> <p>The severity and frequency of future flooding events cannot be predicted and flood zones will be increasingly important to prevent</p>	<p>Comments noted.</p> <p>Sites with more than 0.1 hectares in flood zone 1 will be considered further in the SHELAA in terms of their suitability for housing or economic development as flood zone 1 contains land at the lowest risk of flooding (less than 0.1% chance of flooding in a year). Sites in flood zone 2 have between 0.1% – 1% chance of flooding from rivers in any year and sites in flood zone 3 have a 1% or</p>	<p>None</p>

damage to businesses and property. Development within flood zones with or without mitigation is foolhardy.

Part 2 surface water flooding. Such sites are not excluded but can be assessed further. Surface water flooding holds back water naturally. Development of such areas risks exacerbating flash flooding.

TPO's: Council is intending to plant trees to lower carbon dioxide and aid water retention yet will not protect mature trees. Allowing mature trees to be felled and replaced with saplings in mitigation to facilitate development makes no sense.

Mitigation features strongly in the further consideration of sites identified with physical and environmental constraints. Experience shows that developers do not absorb the extra costs but these are passed on. Affordable housing is often the loser and the promised number not delivered failing to comply with the aims of the Local Plan.

(J Wilson)

greater probability of flooding from rivers.

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Therefore, in terms of flood risk the SHELAA considers sites in flood zone 1 and above 0.1ha in area as suitable so that development is directed to areas at the lowest risk of flooding in line with the NPPF.

SHELAA sites are assessed in terms of surface water flood risk in part two of the methodology. If surface water flooding exists on a SHELAA site, the site is considered suitable, however a more detailed assessment of the site would be carried out via the sustainability appraisal process for site selection at a future review of the local plan.

The SHELAA assesses whether there are any TPOs on a site in part two of the methodology. In this respect, a site is only considered unsuitable where it is covered in TPOs and there is less than 0.1ha of land available for

	<p>development. Part 1 of the suitability assessment assesses whether sites are located wholly or largely within a number of specific designations, including ancient woodland. Where ancient woodland exists wholly or largely within a SHELAA site, it is not considered to be suitable.</p>	
<p>Please find below comments on the Craven District Council consultation concerning the Strategic Housing and Economic Land Availability Assessment (SHELAA) Methodology 2019.</p> <p><u>SK081, SK082 &amp; SK108 (incorporating site SK080a)</u> Land north of Gargrave Road and west of Park Wood Drive and Stirtonber, Skipton</p> <p>Four possible access routes are identified in the report. Two of these routes are through residential streets on an existing housing estate (Park Wood Way and Parkwood Drive).</p> <p>Given that the proposed plan includes a minimum of 339 houses, we could expect at least 500 cars to be regularly using this access route multiple times on a daily basis. The addition of the proposed school could easily add 50% more.</p> <p>To route such a large volume of traffic through a small residential street would be both dangerous and inappropriate. The plan should clearly stipulate that access cannot be via existing residential streets.</p> <p>Direct access from Gargrave Road is acknowledged to be possible (NYCC Highways), so routing such a large volume of traffic through an existing</p>	<p>Comments noted.</p> <p>Site SK081, SK082 &amp; SK108 is allocated for residential use in the adopted Craven Local Plan. These comments relate to the allocation of this site and not to the contents of the SHELAA Methodology.</p>	<p>None</p>

<p>housing estate represents and unnecessary risk to the health and wellbeing of the community.</p> <p>I would appreciate you giving these comments due consideration.</p> <p>(R Bridges)</p>		
<p>RE: Table 1 – Suitability Assessment Criteria: Constraints</p> <p>It can be envisaged that a site might be offered that included an area of woodland with no trees that had been designated with TPOs. CDC should retain the right to apply TPOs to protect notable trees and woodland PRIOR to any suitability assessment of their site. Without this proviso irreplaceable elements of the landscape would be lost because they had not been considered for protection previously. The reference to the "Landscape Appraisal" at the bottom of the Table 1 is unlikely to protect woodland because in that document trees are often remarked as incidental to a particular landscape type rather than indicative of it. For example, "...with medium tree cover of boundary and hedgerow trees, clumps and small pockets of woodland" [Page 50].</p> <p>The CDC Suitability Assessment should not offer a loop-hole for developers in getting around good practice as defined in BS 5837:2012, <i>Trees in relation to design, demolition and construction – Recommendations</i>.</p> <p>I would like to see a pre-assessment step added with regard to trees and woodland which allowed CDC to apply TPOs to protect landscape value. OR, the assessment criteria should follow the methodology of BS 5837:2012 in evaluating the landscape and amenity value of ALL trees.</p> <p>(P Cochrane, ROOTS, (Respect Our Old Trees, Settle))</p>	<p>Comments noted.</p> <p>In applying the SHELAA methodology any existing TPOs within SHELAA sites will be recorded. In addition, details of tree and hedgerow coverage on the site is noted as an asset. During subsequent reviews of the SHELAA any newly made TPOs will be recorded for SHELAA sites. The Council has powers to apply TPOs where necessary, but this is a separate process to the SHELAA.</p> <p>Part 1 of the suitability assessment assesses whether sites are located wholly or largely within a number of specific designations, including ancient woodland. Where ancient woodland exists wholly or largely within a SHELAA site, it is not considered to be suitable.</p>	<p>None.</p>

<p><b><u>Craven District Council - Strategic Housing and Economic Land Availability Assessment (SHELAA) Consultation</u></b></p> <p>Thank you for your consultation received on the 28 November 2019.</p> <p>As you will be aware parts of Craven District have been subject to past coal mining activity which has left a legacy. The Coal Authority provides the LPA with downloadable GIS data in respect of Development Risk and Surface Coal Resource plans.</p> <p>When sites are being considered for inclusion as part of the site allocations process we would expect the LPA to use the GIS data provided. The LPA should assess sites against this data in order that any constraints present which have implication for the quantum of development which can be accommodated on a site (such as mine entries or surface mining highwalls) are identified at an early stage in the process.</p> <p>Should you have any issues downloading or using the data provided by the Coal Authority then please do not hesitate to contact me.</p> <p>(The Coal Authority)</p>	<p>Comments noted.</p> <p>The SHELAA takes account of all GIS data provided by The Coal Authority in respect of Development Risk and Surface Coal Resource plans.</p>	<p>None.</p>
<p>Thank you for consulting North Yorkshire County Council on the SHELAA methodology update.</p> <p>Officers from the Growth team have reviewed the documentation and at this stage have no comments.</p> <p>(Mark Rushworth, Senior Policy Officer, Growth, Planning &amp; Trading Standards, Business &amp; Environmental Services, North Yorkshire County Council)</p>	<p>Comments noted.</p>	<p>None.</p>

<p>United Utilities ask that the following is added to your list of criteria to be used when selecting and assessing a suitable SHELAA site.</p> <p><b>1. United Utilities Assets</b></p> <p>At the earliest stage in the development planning process, it is important for a landowner/developer to check whether any water and wastewater assets (along with any other utilities) pass through the site.</p> <p>A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website <a href="https://www.unitedutilities.com/property-searches/">https://www.unitedutilities.com/property-searches/</a>. You can also view the plans for free. To make an appointment to view our sewer records at your own local authority please contact them direct, alternatively applicants can view the water and the sewer records at our Lingley Mere offices based in Warrington. Please ring 0370 751 0101 to book an appointment.</p> <p>Where United Utilities' assets exist, it is the landowner/applicant's responsibility to demonstrate the exact relationship between these assets and the proposed development and investigate the possibility of any of these assets being impacted by their proposals.</p> <p>For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:</p> <p>Water assets – <a href="mailto:DeveloperServicesWater@uuplc.co.uk">DeveloperServicesWater@uuplc.co.uk</a>  Wastewater assets – <a href="mailto:WastewaterDeveloperServices@uuplc.co.uk">WastewaterDeveloperServices@uuplc.co.uk</a></p>	<p>Comments noted and welcomed.</p> <p>Point 1: It is clear from the comments submitted by United Utilities that it is the land owner/developer's responsibility to check whether any water and wastewater assets pass through the site and to investigate the possibility of any of these assets being impacted by a development proposal. Therefore, this would be carried out during the development management process, which is a separate process to the SHELAA.</p>	
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Some of these assets may also be subject to Legal Easements, which are in addition to our statutory rights for inspection, maintenance and repair. They have restrictive covenants that must be adhered to.

If it is not possible to build-over the asset, this may significantly impact a development layout and possible site yield. If considering a sewer/water main diversion, the landowner/applicant should contact United Utilities at the earliest opportunity as they may find that the cost of diversion is prohibitive in the context of their development scheme.

## 2. Sites in close proximity to a Wastewater Treatment Works

When considering the suitability of potential development sites, I would urge you to consider proximity to existing United Utilities Wastewater Treatment Works. Wastewater treatment works are operational sites that can result in emissions that include odour and noise, and it is possible that new development sites could introduce new receptors closer to the treatment works. Our position is that it is more appropriate not to introduce new additional sensitive receptors close to an existing treatment works. If you are assessing the suitability of sites near to existing treatment works, we would welcome the opportunity to discuss the site(s) in further detail to ensure appropriate assessment.

## 3. Sites in groundwater source protection zones (SPZ)

We feel it is important to highlight that new development sites are more appropriately located away from locations which are identified as Ground Source Protection Zone 1 (SPZ1). Groundwater is a vital resource, supplying around one third of mains drinking water in England, however groundwater supplies are under pressure from development associated with an increasing population. Without adequate mitigation measures, development in SPZ1 could pose a

Point 2: United Utilities advise that when assessing the suitability of potential development sites consideration should be given to the site's proximity to existing Waste Water Treatment Works. United Utilities have provided maps to the Council showing the location of these facilities. In terms of defining whether a site is in close proximity to an existing works, United Utilities advise the Council carryout detailed consultation with them so that they can advise of any likely impacts on new development from existing works, such as odours and noise. United Utilities is the provider of water and waste water in the north of Craven. Yorkshire Water is the provider in the south of Craven, therefore advice will be sought from both providers depending on the location of the site within Craven.

Point 3: In terms of groundwater source protection zones (SPZ), the Council currently assesses SHELAA sites in this respect however it is considered that the wording of the criteria question relating to SPZ in Table 1 of the suitability assessment

An additional suitability criterion to be included in Table 1 to assess sites in relation to Wastewater:

Is the site within close proximity\* to an operational wastewater treatment works?

\*where the proximity of an existing wastewater treatment works would negatively impact new development in terms of odour and noise, as advised by United Utilities & Yorkshire Water.

- (a) Yes. The site is not considered to be suitable.
- (b) No. The site is considered to be suitable.

Table 1 of the suitability assessment criteria in terms of groundwater SPZ will be amended to read:

“Is the site within the inner (SPZ1), outer (SPZ2) or total catchment (SPZ3) of a ground water source protection zone?”

<p>threat to groundwater quality. Safeguarding of the quality of this primary source of water supply is critical to United Utilities.</p> <p>If the decision is made to pursue development in a groundwater SPZ, United Utilities expect developers to adequately assess the impact of their proposal on groundwater resources and quality, and provide satisfactory mitigation measures where necessary. Specifically, it may be necessary to consider appropriate protection measures in the design of any foul and surface water drainage schemes, for example, higher specification sewerage pipework for development schemes in Groundwater Source Protection Zone 1. Development proposals should also be supported by a construction management plan which sets out how the risk to the groundwater environment during any construction process will be managed. Early engagement with the relevant agencies and United Utilities is strongly recommended where development is proposed in Groundwater Source Protection Zones.</p> <p>The applicant should refer to the Environment Agency's Approach to Groundwater Protection: March 2017 available at <a href="https://www.gov.uk/government/collections/groundwater-protection">https://www.gov.uk/government/collections/groundwater-protection</a> to ensure that the development does not adversely impact on groundwater quality in the area.</p> <p>(G Gaskell, United Utilities)</p>	<p>criteria should be consistent with the terminology used by United Utilities in their consultation response.</p>	
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Note: The SHELAA is a broad assessment of the suitability of sites. When assessing sites for a future review of the local plan (which falls outside the scope of the SHELAA), more in depth consultation relating to all suitability assessment criteria will take place with the appropriate statutory undertakers, local interests groups and individuals.