

# **Statement of Common Ground**

## **1<sup>st</sup> Phase of Hearings**

**As agreed between City of York Council and  
Environment Agency**

**05 December 2019**

## **Introduction**

1. This Statement of Common Ground (“SoCG”) has been prepared jointly between City of York Council (“the Council”) and the Environment Agency (“the Agency”) (together, “the Parties”). The purpose of this SoCG is to inform the Inspector of areas of agreement and disagreement between the Parties in relation to the matters to be heard during the 1<sup>st</sup> phase of hearings into the submitted draft York Local Plan (Local Plan) [CD001].

## **Background**

2. The Agency is a non-departmental public body, established in 1996 and sponsored by the United Kingdom government's Department for Environment, Food and Rural Affairs, with responsibilities relating to the protection and enhancement of the environment in England. Principally, the Agency is responsible for:
  - regulating major industry and waste
  - treatment of contaminated land
  - water quality and resources
  - fisheries
  - inland river, estuary and harbour navigations
  - conservation and ecology
  - managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.
3. The Council has consulted the Agency at each stage of the preparation of the Local Plan.

## **Areas of Agreement**

4. The following matters and issues have been identified as areas on which the Parties agree are common ground:

## *Matter 1: Legal compliance*

### Duty to Co-operate

- The Agency agrees that pursuant to the Council's duty to cooperate imposed by Section 33A of the Planning & Compulsory Purchase Act 2004, that the Council has co-operated with the Agency as a prescribed body through constructive and on-going engagement on the impacts of sustainable development as set out in CD020, EX/CYC/7a and EX/CYC/23
- The Agency and the Council will continue to engage through the ongoing examination process to resolve the Agency's outstanding objections prior to Phase 2 hearing matters.

### Sustainability Appraisal

- The City of York Local Plan Sustainability Appraisal (2018)("SA") [CD008, CD009, CD010], SA Addendum (2018) [CD011] and SA Addendum of the Proposed Modifications (2019) [EX/CYC/24] have been prepared in accordance with Directive 2001/42/EC<sup>1</sup> and Environmental Assessment of Plans and Programmes Regulations 2004 (statutory instrument 2004 No.1633).
- The SA appropriately identifies the issues and objectives to be evaluated through the SA Framework, including:
  - 7.** To minimise greenhouse gases that cause climate change and deliver a managed response to its effects
  - 8.** Conserve or enhance green infrastructure, bio-diversity, geodiversity, flora and fauna for accessible high quality and connected natural environment
  - 9.** Use land resources efficiently and safeguard their quality
  - 10** Improve water efficiency and quality
  - 11.** Reduce waste generation and increase level of reuse and recycling

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<sup>1</sup> on the assessment of the effects of certain plans and programmes on the environment

**12.** Improve air quality

**13.** Minimise flood risk and reduce the impact of flooding to people and property in York

- The SA outcomes and mitigation pertaining to objectives 7-13 are agreed.

*Matter 2: The housing strategy: the objectively assessed need for housing, the housing requirement and the spatial distribution of housing*

The Housing Strategy: spatial distribution

- The spatial shapers identified in Policy SS1 are appropriate in determining the location of development in York.
- The City of York Local Plan's development strategy as set out in Policy SS1 [CD001] reflects the most appropriate strategy, when considered against the reasonable alternatives in the Sustainability Appraisal [CD008, CD011 and EX/CYC/24a], based on proportionate and updated evidence.
- The spatial strategy principles have been appropriately used to develop the pattern of development as identified on the key diagram. The Local Plan Spatial Strategy [CD001] will help to ensure flood risk is appropriately managed and that development is directed away from areas at high risk now and in the future.

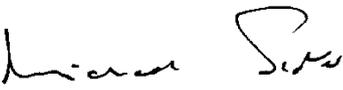
5. Notwithstanding the number of areas of common ground in relation to matters of legal compliance set out above, the following has been identified as an outstanding matters of objection in relation to matter 1 and the City of York Local Plan approach to the Water Framework Directive:

<b>Water Framework Directive</b>	
<b>Agency</b>	<b>Council</b>
<p>The Local Plan is currently unsound as it lacks appropriate consideration for the Water Framework Directive<sup>2</sup>.</p> <p>A policy needs to be inserted in the main Local Plan document that ensures that the requirements of the Water Framework Directive are adhered to, where appropriate.</p>	<p>Section 2.14 on Page 19 of the Local Plan Document does refer to an aspiration to achieve some of the aims of the Water Framework Directive. Section 9 ‘Green Infrastructure’ and Section 12 ‘Environmental Quality and Flood Risk’ individually identify elements of the WFD. However, the Council acknowledges that there is no standalone policy within the Plan focussing on Water Framework Directive issues.</p> <p>The Local Plan needs to ensure that development does not result in a deterioration of water quality, and that opportunities are taken for enhancement to support the achievement of the Water Framework Directive standards.</p> <p>The Council will continue to work with the Agency through the ongoing Examination in Public process to agree and incorporate a policy focussing on Water Framework Directive issues before the second phase of hearings into the submitted Local Plan commence.</p>

<sup>2</sup> The Water Framework Directive 2000/60/EC is an EU directive which commits European Union member states to achieve good qualitative and quantitative status of all water bodies by 2015



## Endorsement

City of York Council		
Name and Position	Signature	Date
Mike Slater  Assistant Director for Planning and Public Protection		05 December 2019

Environment Agency		
Name and Position	Signature	Date
Rachel Jones  Sustainable Places Team Leader		05 December 2019