

Statement of Common Ground

Phase 2 Hearings

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

31 March 2022

Introduction

1. This Statement of Common Ground (SoCG) has been prepared jointly between City of York Council and the Environment Agency. The purpose of this SoCG is to inform the Inspectors of areas of agreement between the two parties in relation to the matters to be heard during the phase two hearings into the submitted draft York Local Plan (Local Plan) [CD001].
2. This is the second SoCG between the parties and should be read alongside the Phase 1 SoCG dated 6 December 2019. Where areas of common ground set out in the phase 1 SoCG remain relevant to phase 2 matters, they have been set out again in this statement. Following on going consultation with the Environment Agency in moving towards Phase 2 Hearings, outstanding areas of disagreement around the Plan's appropriate consideration of the Water Framework Directive have been overcome. These are discussed in relation to Matter 1, as set out below.

Background

3. As detailed in the Phase 1 SoCG, the Environment 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.

There has been ongoing engagement between the Council and the Agency during the preparation of the Local Plan and its evidence base.

Areas of Agreement

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

4.1 Matter 1: Strategic Vision, Outcomes and Development Principles

The Agency agrees that, pursuant to the Council's duty to cooperate imposed by Section 33A of the Planning & Compulsory Purchase Act 2004, the Council has co-operated with the Agency as a prescribed body through constructive and ongoing engagement on the impacts of sustainable development, as set out in CD020, EX/CYC/7a, EX/CYC/23 and EX/CYC/64.

On the basis of modifications proposed to Local Plan objectives and policy DP2 (referring to CYC's Matter 1 Hearing Statement), the previous areas of disagreement included in the Phase 1 SoCG in relation to the lack of appropriate consideration of the Water Framework Directive have now been overcome. These modifications are set out in the Phase 2 Hearing Statement for Matter 1 (specifically Matter 1.2), document reference 'HS P2 M1 SV1 City of York Council' and set out below for reference. Agreement is also reached over Proposed Modifications to policies around development sites and other detailed policy matters, although it is acknowledged that the Phase 3 and 4 hearings will

address these issues. On this basis, the Agency removes any soundness objection previously raised in their responses to the development of the Local Plan.

Agreed modifications regarding Water Framework Directive

Proposed Modifications to City of York Local Plan in relation to WFD

Matters (Phase 2 Hearings only)

Objective (section 2, page 19)

- *safeguard water resources and to protect and improve water quality with an overall aim of ~~getting water bodies to~~ **achieving** ‘good’ status under the Water Framework Directive **in York’s surface and ground water bodies.***

Policy DP2

*iii. Development will help Conserve, **Maintain** and Enhance the Environment through:*

- *maintaining **the natural geomorphology of watercourses,** water quality **and the ecological value of the water environment including** ~~the River Ouse, River Derwent and River Foss~~ **water corridors;***
- ***ensuring that there is no deterioration in the status of any surface or ground water body;** and*
- ***making positive progress towards achieving ‘good’ status or higher in surface and groundwater bodies, in line with the Water Framework Directive** ~~remediation of polluted land/groundwater or the protection of groundwater;~~*

Explanation

The Water Framework Directive (WFD) establishes a legislative framework for the protection of surface waters (including rivers, lakes and coastal waters) and ground waters.

The Water Environment (WFD)(E&W) Regulations 2017 place a duty on each public body, including Local Planning Authorities to ‘have regard to’ River Basin Management Plans (RBMP), and so the City of York Council must ensure that new development is compliant with the requirements of the WFD and Humber RBMP. York’s water resources are a crucial part of the district’s environment which provide important wildlife habitats and encourage biodiversity, provide opportunities for recreation and form an important element to alleviate flood risk to the city. Many of York’s watercourses have been physically changed over time for example by land drainage, culverting or being run through artificial channels, which can reduce their amenity value and harm their ecology. Opportunities to re-naturalise watercourses should be supported, for example by removing existing artificial engineering works. Any new physical changes to watercourses in the district should be avoided unless there are compelling grounds for doing so and all alternative

4.2 Sustainability Appraisal

The City of York Local Plan Sustainability Appraisal (2018)(“SA”) [CD008, CD009, CD010], SA Addendum (2018) [CD011], SA Addendum of the Proposed Modifications (2019) [EX/CYC/24] and SA Addendum of Composite Modifications Schedule (2021) [EX/CYC/62] have been prepared in accordance

with Directive 2001/42/EC1 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, biodiversity, 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 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.

4.3 Matter 4: Spatial Strategy and Site Selection Process

The City of York Local Plan's spatial shapers and development strategy, as set out in Policy SS1 [CD001, modified by EX/CYC/58: PM49-PM57], reflect the most appropriate strategy when considered against the reasonable alternatives in the Sustainability Appraisal [CD008, CD011, EX/CYC/24a and EC/CYC/64], 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 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.

Endorsement

City of York Council		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Neil Ferris Corporate Director of Place		31 March 2022
Environment Agency		
<i>Name and Position</i>	<i>Signature</i>	<i>Date</i>
Rachel Jones Sustainable Places Team Leader		31 March 2022