



**Selby District Council
Local Plan Consultation**

"PLAN Selby"
(The Sites and Policies Local Plan)

Initial Consultation Comments Form

"PLAN Selby" is the Sites and Policies Local Plan which the Council is developing to deliver the strategic vision outlined in the Core Strategy that was adopted in 2013. When adopted, PLAN Selby will form part of the Local Plan for the District against which planning applications will be assessed.

This consultation is the first stage in our on-going dialogue with you and we hope that you will take time to respond to it and help us move forward. The responses to this consultation will help inform our work and shape the District for the future.

Comments are therefore invited as part of this Initial Consultation.

Please use this form to make your comments.

Please read the main document PLAN Selby and associated papers, which are available on the Council's website at www.selby.gov.uk/PLANSelby and at local libraries and Public Council offices.

You will need to see what is in PLAN Selby in order to make your comments. It contains a wide range of issues and specific questions on which we would like your views. Please make sure you are clear about which part of PLAN Selby you are commenting on and ensure we have your full contact details so we can take your comments into account and so that we can contact you about the next stages.

**Completed comments forms must be received by the Council
no later than 5pm on Monday 19th January 2015**

Contact Details - Please provide contact details and agent details, if appointed

	Personal Details	Agent Details (if applicable)
Name	Mr Ian Heselwood	Ms Kathryn Jukes
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It will be helpful if you can provide an email address so we can contact you electronically

Comment(s)

Please ensure you provide reference to the Question and Topic area for each comment you wish to make.

Topic / Chapter

Question no. Paragraph

(Text is limited to the available area to ensure all text is visible. Continue on a separate sheet if necessary)

Topic / Chapter

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Question no. Paragraph

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(Text is limited to the available area to ensure all text is visible. Continue on a separate sheet if necessary)

Additional Comments - Please provide any additional comments you may wish to make.

(Text is limited to the available area to ensure all text is visible. Continue on a separate sheet if necessary)

Comment Submission Statement

All comments must be made in an email or in writing if they are to be considered. Your comments and some personal identifying details will be published in a public register and cannot be treated confidentially. Where practical, personal identifiers may be redacted, however Selby District Council cannot guarantee that all identifiers will be removed prior to publication of consultation records.

Signed

K Jukes

Dated

18/01/2015

Please ensure you save a copy of your completed comments form to your computer before sending by email

**Completed comments forms must be received by the Council
no later than 5pm on Monday 19th January 2015**

Email: ldf@selby.gov.uk

Post to: **Policy and Strategy Team, Selby District Council, Civic Centre,
Doncaster Road, Selby YO8 9FT**

**RESPONSE TO
THE INITIAL CONSULTATION ON 'PLAN' SELBY**

**PREPARED ON BEHALF OF
MR IAN HESELWOOD**

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Directions
PLANNING CONSULTANCY

18th January 2015

RESPONSE TO THE PLAN SELBY CONSULTATION
ON BEHALF OF MR I HESELWOOD

1.0 INTRODUCTION

- 1.1 Directions Planning Consultancy Ltd has been instructed by Mr Heselwood to prepare a response to the PLAN Selby consultation which was published in November 2014.
- 1.2 We have structured our comments in response to the questions posed in the consultation document to which we feel it is appropriate to respond.
- 1.3 We would like to also take this opportunity to ask that your records are updated with our new address, which is 14 Raglan Street, Harrogate, HG1 1LE.

2.0 RESPONSE TO QUESTIONS

2.1 Q7 a) Do you agree with the proposed approach to the base date?

- 2.1.1 We agree the updated base date of March 2015 is sensible. However, how wise it is to then stick with March 2015 as the base date through the subsequent stages of preparing the Plan will depend on the speed of progress. If the Examination takes place too far into the future (e.g. 2017) then the base date will need to be updated again.
- 2.1.2 We also agree that the calculation should take into account completions and permissions dating back to April 2011 in order for it to relate to the Plan period established through the Core Strategy.

2.2 Q7 b) Do you agree with the broad principles of the calculation method?

- 2.2.1 We do not agree with the broad principles of the calculation method. This is because the calculation does not include a 'buffer' in accordance with paragraph 47 of the NPPF. As such, the Council needs to identify whether it is appropriate to apply either a 5 or 20 per cent buffer to the housing requirement. It is necessary to include a 'buffer' to ensure there is sufficient flexibility to maintain the five year land supply.
- 2.2.2 The calculation also does not appear to take account of the backlog from the April 2011, which is the difference between the annual target and the actual completion rate. It has been established through numerous Local Plans that it is appropriate to do so.
- 2.2.3 We do however agree with the approach towards windfall sites, as we note that under paragraph 3.15 the Council intends to allow windfalls in addition to the amount of land to be allocated.
- 2.2.4 We are also supportive of the intention to update the SHMA in order to inform the objective assessment of housing need. It is necessary for the Council to ensure the housing target is up to date in accordance with the NPPF and as proven by the experience of Harrogate DC. However, it is not just a procedural requirement, but one that is necessary if housing need is to be met.

2.3 Q8 a) Should PLAN Selby over-allocate to allow for any non-delivery on the allocations? By what method and by how much?

- 2.3.1 We believe that Selby should include a buffer within the housing requirement by allocating additional land to allow sufficient flexibility within the supply to maintain a five year land

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supply. A buffer will also help reduce the need of a review of the Local Plan too quickly after adoption.

2.3.2 Paragraph 47 of the NPPF requires a buffer to be included of either 5 or 20 per cent, depending on whether the authority has a persistent record of undersupply. The Council's Annual Monitoring Report (2013) under paragraph 3.43 makes clear that the Council has persistently undersupplied and so a 20 per cent buffer is appropriate. There is no case for a 5 per cent buffer.

2.4 **Q8 b) How should PLAN Selby seek to allocate sites in such a way as to secure delivery over the whole plan period?**

2.4.1 If the delivery of sites is to be maintained over the whole Plan period then it will be necessary to release the larger strategic sites early on in the Plan period due to the lead in time required to deliver development. Some sites, such as the land to the south of Crosshills Lane and north of Leeds Road, require infrastructure to be delivered before any houses are built so such sites should not be unnecessarily held back. Instead the Plan should positively support the development of such sites.

2.5 **Q8 c) Is there opportunity to have contingency sites in case others are not delivered elsewhere in the District? How might the contingency sites release be managed to maintain a 5 year housing land supply?**

2.5.1 We are unsure whether this approach would require the allocation of the first phase of the next Plan period or the allocation of land to make up the 20 per cent buffer in accordance with paragraph 47 of the NPPF. Either way, it would be sensible to allocate a number of additional sites in order to create flexibility within the supply to maintain the five year land supply. A potential mechanism for releasing them could be that the trajectory shows there will be a shortfall is looming. The Council should address the prospects of there being a shortfall in advance of it occurring due to the lead in time it takes to actually deliver the first built house. We would suggest the Council should act at least two years before the actual shortfall is projected to occur by releasing more land for development.

2.6 **Q9 a) Is a simple percentage growth across all Designated Service Villages a fair and appropriate starting point for deciding the split between the DSVs?**

2.6.1 We believe the approach outlined would be a good starting point. However, not every settlement is likely to be able to take the corresponding proportion of development due to constraints. What is therefore more important is how the Council will deal with distributing numbers from the settlements which are unable to take their fair share of growth.

2.7 **Q9 b) Bearing in mind issues such as land availability, flood risk and other technical constraints (e.g. highways capacity and access) are there particular criteria that should be taken into account in assessing the final *minimum target* for Designated Service Villages?**

2.7.1 We believe the Council should stick to matters that constitute physical constraints that cannot be overcome and are absolute barriers to growth, e.g. flood risk and land ownership (which are as they are and cannot be influenced or changed), but not necessarily access or highways (which can usually be altered to accommodate development). The Plan is intended to facilitate change by planning for development, which also means addressing

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any constraints to development by outlining ways in which problems can be overcome. This means that only if a constraint is an absolute barrier where the planning system cannot provide a solution to realise development should the site be excluded. It is likely that having identified some initial constraints the Council will need to then assess whether the problem can be overcome before the site is excluded through a viability appraisal.

2.8 Q10 The Core Strategy sets the 'rules' for choosing sites; but do you have any views on the relative importance or weight to be attached to the criteria for site selection?

2.8.1 Figure five outlines the approach to allocations, including a sequential approach to the allocation of land. The approach is somewhat out of date because it advocates brownfield before greenfield. The NPPF no longer prioritises brownfield over greenfield. Instead, the emphasis is placed on maintaining a five year land supply of viable and deliverable sites. This means the Council needs to be confident that redevelopment of the brownfield sites can be delivered within the Plan period. If there is any question about the ability of brownfield sites to come forward in a timely manner then greenfield sites should be prioritised. This is because the NPPF makes clear that maintaining a five year land supply is more important than recycling land.

2.8.2 The list of factors included within figure five is a little vague so it is difficult to appreciate whether the list is complete. We presume that Environment and Natural Resources will include matters such as archaeology, contamination, conservation, noise, odour and ecology? The term accessibility is also vague, as we are left wondering if it includes matters such as highways capacity, distance to public transport and capacity to meet car parking requirements.

2.8.3 In terms of matters which we believe fall outside of the list, there is no mention of topography, which can affect the number of units a site might deliver. Also, drainage is an important matter when deciding on the level of development and suitability of a site.

2.8.4 It is right that Green Belt should be included in the list because land on the edge of urban areas that is currently within open countryside should be considered for development ahead of land currently designated Green Belt.

2.9 Q11 In Tadcaster, three phases are proposed. Phase 1 and the contingency phase 2 are to be in Tadcaster and will follow the site selection methodology referred to in the previous section. However, how should PLAN Selby determine where the contingency Phase 3 sites should be located?

2.9.1 We believe the Plan should determine where the contingency Phase 3 sites should be located. This is because otherwise there will not be a contingency, just the idea of introducing a contingency. Plans should provide certainty and if sites are not allocated now then it will mean a review of the Plan will be necessary in order to identify suitable sites.

2.10 Q22 Should the Development Limits be drawn tightly to maintain the settlement pattern, or loosely around the settlements to enable sympathetic development?

2.10.1 The settlement limits should be drawn loosely around the settlements to enable sympathetic development, where such opportunities exist. This would entail setting development limits where natural development opportunities existing on the edge of

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settlements or else drawing boundaries tightly to prevent unwanted development where it would not be appropriate. This will include deciding whether it is appropriate to draw boundaries across rear gardens of properties or to include whole gardens. Also, whether farmsteads should be included or excluded.

2.10.2 The Council should be careful not to be overly restrictive because such an approach would not comply with the positive attitude towards development advocated in the NPPF. We do however wish to make clear that this approach is in addition to the allocation of land.

2.11 Q24 How should PLAN Selby determine how much Safeguarded Land should be designated for potential future use?

2.11.1 The NPPF expects Green Belt boundaries to endure beyond the Plan period, which is usually taken to mean to be at least 25 to 30 years. Enough safeguarded land should therefore be identified to provide a suitable buffer to facilitate the allocation of further land for development well into the next Plan period. The Kirklees and Leeds development plans are examples where safeguarded land was identified on an appropriate basis that meant land was available for development beyond the last development plan period. Conversely, Harrogate is a poor example where no land was safeguarded and so an immediate review is required.

2.12 Q25 Are there any infrastructure requirements that have not been identified, including small scale and local needs?

2.12.1 The spine road through Local Plan allocation SEL1 should be included in the list of infrastructure requirements. Irrespective of the ability of the allocation to deliver the spine road, the new road will serve the west side of Selby by potentially providing relief to Leeds Road by providing a new junction with Leeds Road further to the west of Selby. As such it is of significance to Selby rather than just the proposal, and so we believe other sites should share in the costs of its provision.

2.13 Q26 Is it necessary for PLAN Selby to consider:

a) Providing a revised target for the plan period to 2027 for installed renewable energy?

2.13.1 We do not believe it is necessary for Plan Selby to set out a revised target to 2027. Any target should be rolled forward rather than reviewed. This is because national policy has not changed to warrant a review of the target.

2.14 Q26 Is it necessary for PLAN Selby to consider:

b) Reviewing the 10% onsite requirement?

2.14.1 We do not believe the onsite requirement of 10 per cent should be reviewed given it has only just been adopted in the recent Core Strategy, and is therefore considered to be up to date.

2.15 Q26 Is it necessary for PLAN Selby to consider:

c) Including specific requirements for sustainable building design such as Code for Sustainable Homes and BREEAM, subject to local viability testing?

2.15.1 Code for Sustainable Homes and BREEAM should not be included as specific requirements because these are likely to change in the near future. Also, Building

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Regulations already sets the necessary standards so there is no need for a planning policy on the subject too. The Government has recently made clear that there is no need for planning to also address the matter.

2.16 Q26 Is it necessary for PLAN Selby to consider:

d) Identifying suitable areas for renewable and low-carbon schemes by technology? e.g. wind, solar, hydro?

2.16.1 The NPPF requires Local Plans to provide certainty and to plan for renewable energy. We therefore believe that the Local Plan should identify opportunities for renewable energy, especially areas where wind turbines might be located. This would provide clarity to local residents as to where to expect applications for new turbines.

2.17 Q26 Is it necessary for PLAN Selby to consider:

g) What topics should instead be left to a subsequent SPD or guidance?

2.17.1 SPD should not be used to set out policy matters, especially as the NPPF makes clear under paragraph 153 that SPD's should only be used where they can help applicants make successful applications. They should not be used to add unnecessarily to the financial burdens on development. Also the Glossary makes clear that they are intended to add further detail to policies in the Local Plan.

2.18 Q26 Is it necessary for PLAN Selby to consider:

h) How should each of the site allocations (to be identified in later stages) deal specifically with climate change and renewable energy issues?

2.18.1 The only way site allocations can deal with climate change and renewable energy issues is to meet current standards for energy efficiency and drainage. Building Regulations require dwellings to be built to Code Level 3, whilst Yorkshire Water requires surface water drainage to improve on current run off rates. The Council already has a policy for schemes to provide 10 per cent of energy from decentralised sources. We do not believe there is anything more that can be done.

2.19 Q31 Should PLAN Selby include policies for setting specific house types and sizes, tenures and specialist housing such as care homes and Self builds?

2.19.1 We do not believe the Council should include policies for setting specific housing types, sizes and tenures, because this would be meddling in the market and it could interfere with the ability of developers to deliver housing to meet local demand. House builders undertake market research to understand the local market before embarking on a scheme as they need to have certainty that their product will sell. How can the Council realistically believe it can undertake such research in sufficient detail to understand the very local markets that characterise Selby?

2.19.2 A planning policy would also not necessarily be able to provide sufficient flexibility to accommodate different types of development or the interests of developers who build for different markets. For example, there is a difference between a house built by Charles Church and Persimmon, even though they are the same company. How or why should a planning policy decide which brand of houses should be built?

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2.19.3 Furthermore, planning policy is not responsive enough to adapt to changes in market demand, especially as the market moves faster than the planning process, and it is not feasible to outline housing demand over the next fifteen years in sufficient detail or flexibility to allow the market freedom to adapt to any changes.

2.19.4 If the Council wanted to allocate specific sites for specialist housing or self builds then this would be a good idea, but it must be with the co-operation of the landowner.

2.20 Q32 a) Should PLAN Selby include further policies for any of the following?

- travel plans
- parking standards
- active traffic management
- integrated demand management
- capacity improvements
- electric vehicle charging points
- cycle routes
- car parking

b) Are there other local transport schemes/issues that PLAN Selby should develop policies for?

2.20.1 Of the list provided, the only matter we believe a further policy should be to address is for cycle routes. This is because cycle routes need a strategic overview in order to ensure that a network can be created which is joined up. There is no need to provide more guidance on the other matters because they are either dealt with by others (travel plans by the Government, and parking standards by NYCC) or they are not matters that should be covered in the Selby Plan (electric charging points). On the matter of electric charging points there is really no proven demand for electric cars. The latest data actually suggest that predicted demand by 2020 has fallen from 10 per cent to just 1 per cent. Also, in terms of use, four electric parking bays in Cambridge (where the electricity is supplied free) have been used just 18 times in two years. To require every new house to install a charging point is therefore an unnecessary cost on development.

2.21 Q33 a) Should PLAN Selby have more detailed general policies on design by being more specific about the minimum design standards it will seek to achieve, including policy on development density, environmental and quality design benchmarks (such as BREEAM, Lifetime Homes, Secure By Design etc.)?

2.21.1 We do not believe it is necessary for the Council to set out more detailed policies on design, specifically the examples mentioned. This is because the matters of density, BREEAM, Lifetime Homes and Secured by Design are dealt with via national guidance and Regulations. To include specific policies on these matters would therefore be applying an additional layer of bureaucracy which is unnecessary.

2.22 Q33 b) Should PLAN Selby establish design requirements in the new allocated sites that consider the layout, orientation and aesthetic of development proposals?

2.22.1 We do not believe the Council should predetermine the matters of layout, orientation or aesthetics of development proposals for allocated sites. In some instances it would be desirable to produce a development brief, but it will not be necessary in all instances. The

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NPPF already deals with many of these matters, including orientation and layout, so there is no need for the matters to be dealt with at local level too.

2.23 Q35 What policies should PLAN Selby include to manage development in the countryside?

2.23.1 The NPPF requires local planning authorities to address various matters concerning the countryside in the Local Plan, including supporting economic, tourism and leisure development, and meeting housing needs.

2.24 Q36 How should the Council view large previously-developed sites in the countryside?

2.24.1 The conversion, redevelopment, infill and intensification of previously developed sites, or any developed site irrespective of classification, in the countryside should be allowed. This is because such land is best utilised in preference to greenfield sites.

3.0 NEXT STEPS

3.1 We look forward to having the opportunity to comment upon the next version of the Local Plan. In the meantime, we would be happy to discuss with you the Council's requirements for evidence relating to Local Plan SEL1, as we represent the landowner of the land at Crosshills Lane, Selby. We understand you have had conversations with NYCC the other half of the Local Plan allocation. Until the agreement is signed for Gladman to represent both parties, I hope you will afford us the same opportunity as we have been compiling evidence in support of the allocation of the land which should also assist the Council's consideration of the site for the extension to Local Plan allocation SEL1.