



THE HOME BUILDERS FEDERATION

Policy and Strategy Team
Selby District Council
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Selby, YO8 9FT

Date: 7th August 2015

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Sent by Email only

Dear Sir / Madam,

LET'S TALK PLAN SELBY: Draft Studies and Evidence Base

1. Thank you for consulting with the Home Builders Federation (HBF) on the draft studies and evidence base for the Plan Selby document.
2. The HBF is the principal representative body of the house building industry in England and Wales and our representations reflect the views of our membership of multinational PLCs, through regional developers to small, local builders. Our members account for over 80% of all new housing built in England and Wales in any one year including a large proportion of the new affordable housing stock.
3. We would like to submit the following comments to selected questions posed in the consultation. The responses provided are intended to be useful and provide guidance for the Council. They are based upon the current evidence available and represent our initial views. They should not be construed as our definitive position with regards to future consultations and further evidence provided by the Council and other parties.

Question 1: Strategic Housing Market Assessment (SHMA)

a. the housing market areas in and around Selby?

4. The HBF agree that Selby is not a self-contained market area, as it does not fulfil the criteria set out within the national Planning Practice Guidance (PPG). It is important therefore that the Council has full regard to the needs and delivery within adjoining Council areas, particularly those with which it shares a housing market area.

b. trend based demographic projections?

5. The HBF agrees with the utilisation of the 2012 based SNPP and 2012 based SNHP as the starting point for the consideration of an objectively assessed housing need for Selby. It is noted that the future levels of migration sit between short and long- term past trends. The HBF does, however, query whether an increase upon the demographic projections is justified to take

into account recent levels of poor housing delivery. The report notes that the SNPP picks up some years of higher delivery immediately prior to the recession in 2006/7 and 2007/8. These years of higher delivery are, however, more than cancelled out by lower delivery in subsequent years and must be set amongst a back drop of under-delivery of housing nationally over a longer period.

6. The HBF would also be keen for the report to consider further sensitivity testing utilising the headship rates from the 2008 based projections. This is common practice in many other SHMAs. This issue is considered particularly important given that the more recent 2012 based projections identify a significant movement between the 2008 and 2012 based projections for the 25-34 age group, with continued decline projected until 2037. This age group is particularly important for household formation as it represents the age which are most likely to be forming families and is a key part of the working age group. The 2012 based projections whilst including some periods of greater economic prosperity are largely reflective of a recessionary period when this age group would have been most restricted from entering the market. The more recent economic upturn coupled with government initiatives such as Help to Buy are likely to give rise to increased household formation rates amongst the general population but amongst this age group in particular.

c. economic led projections?

7. Whilst it is recognised that the Regional Econometric Model (REM) is the standard econometric model used across Yorkshire and the Humber, it is recommended that other models, such as those produced by Oxford and Cambridge are also considered to corroborate, or otherwise the outputs from the REM. This will ensure that the projections are more robustly quantified.
8. The economic led projections also identify a baseline position with no adjustment for active policy interventions to boost employment growth. The Council should consider whether a 'policy on' approach is also required prior to finalising its housing requirement. Whilst it is recognised the SHMA largely takes a 'policy off' approach this is not consistent throughout the document, two examples of inconsistency are commuting patterns and employment rates.
9. The study considers two commuting scenarios a 'policy off' scenario which retains a stable commuting pattern (i.e. 22% net of additional resident workers will out-commute) and a 1:1 commuting ratio where the relationship between jobs and new housing will be equal. This would result in a reduction in commuting over-time.
10. The HBF recommends that the 'policy off' scenario be utilised and agrees with the study that any deviation from the policy off scenario will need

agreement with adjoining authorities through the duty to co-operate. Furthermore robust evidence would also be required indicating how such changes in commuting patterns would be achieved. It is also notable that Leeds and Wakefield have agreed housing requirements within their respective plans and East Riding is well advanced in its plan preparation, any changes in commuting patterns within Selby would necessarily require a commitment of neighbouring authorities to reconsider such plans. In addition given that the SHMA has not included other 'policy on' considerations such as the economic aspirations of the plan, other than against employment rates (see below), it is unclear why the 'policy on' scenario is debated within the SHMA.

11. In terms of employment the study, table 21, identifies some significant increases in the assumed rates of employment. These assumptions appear to vary considerably from figure 22 which shows an overall projected decrease in employment rates over the same period. The reasoning for the assumptions utilised in the model therefore require greater explanation. Furthermore the HBF would argue that any deviation represents a 'policy on' position and as such is inconsistent with other elements of the SHMA.

d. affordable housing need?

12. The HBF does not dispute the need for affordable housing identified within the study. This section does, however, appear to suggest that the Private Rented Sector provide an element of affordable housing. The Council will be aware that such accommodation does not fit within the definition of affordable housing to be used for planning purposes as described by the NPPF.
13. This section of the study appears designed to justify the Council's existing affordable housing requirement rather than stating the need and considering potential delivery mechanisms. There is no account taken of economic viability considerations either across the whole plan area or individual sub-markets, yet the study states;

'We do not find any evidence that would justify a reduction in the percentage affordable housing which should be negotiated on development sites in line with current adopted policy'

Without the full range of evidence such statements are unhelpful and misleading. The SHMA should recognise its limitations and make recommendations based upon the data provided within the study, looking at the affordable housing needs of the area and how these vary across the sub-markets rather than making statements without the benefit of the full evidence base.

e. market signals?

14. This section correctly considers the various market signals identified within paragraph 2a-019 of the PPG. The use of comparator areas is also considered a pragmatic approach. However, whilst the use of neighbours for such comparisons is understandable it remains unclear why these areas have been chosen ahead of other neighbouring authorities such as Doncaster or other regional examples with similar characteristics to Selby. It is therefore recommended that the study provides explanation regarding the choice of comparator areas and why these are considered appropriate.
15. On a purely presentational note the various charts and graphs are difficult to read due to the similarities between the colour used for Selby and the Yorkshire and Humber. This should be addressed in the final report.
16. The section as a whole does little more than provide data observations with only limited commentary upon whether each signal would warrant an uplift upon the demographic projections. The only references being towards the need for a modest uplift within the final bullet of the implications section. There is no discussion upon how such a conclusion has been reached or what scale of increase is suggested. The Inspector of the Cheshire East Local Plan, within his interim views (dated 12th November 2015), criticises the Council for a lack of clarity with regards market signals and their effect upon the objectively assessed housing needs of the area.
17. In terms of the data it is noted that Selby is at the upper end of the comparator areas with regards sales values and rentals, has seen over an 80% worsening in its affordability ratio between 2001 and 2013 (above the regional and national averages) and has failed to deliver against targets in recent years. The HBF would therefore anticipate more than a 'modest' increase to take account of these factors.
18. It is recommended that further consideration is given towards the comparator areas and justification provided for the choices made. Furthermore greater discussion is required to quantify and clarify why only a 'modest' increase to the demographic led projections is recommended.

f. need for different types and sizes of homes?

19. The HBF strongly agrees with paragraph 7.88 which states;

'Although the analysis has quantified this on the basis of the market modelling and an understanding of the current housing market it does not necessarily follow that such prescriptive figures should be included in the plan making process. The 'market' is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time. The figures can however be used as a monitoring tool to ensure that future delivery is not unbalanced when compared with the likely requirements as driven by demographic change in the area.'

It is recommended that this is more clearly expressed within the implications section of this chapter and overall conclusions.

g. housing needs for specific groups of the population?

20. The HBF has no specific comments to make at this stage.

h. draft conclusions?

21. The HBF consider that the assessment of the objectively assessed housing need is at the lower end of a possible spectrum, our reasons for this are identified in our comments upon the other sections of the SHMA, above. In terms of the other conclusions we refer to our previous comments.

Question 3 (GB): Using the information within Table 8 of this study, do you have any comments on the approach by which General Areas could be defined as ‘weakly’ or ‘more strongly’ fulfilling the five national purposes of the Green Belt (as defined within NPPF Paragraph 80)?

22. Overall the scoring system employed appears reasonable, however care must be taken to ensure consistency and transparency in the scoring process. It is recognised that Appendix A attempts to provide this information, however, the HBF recommend that additional information be provided in relation to the scoring either as part of the report or a separate annex.

23. The assessment of parcel size is also a key consideration, the parcels vary significantly in size and whilst this may be due to the use of strong boundaries the Council should consider reducing these wherever possible. The size of the parcel will have a significant bearing upon the scoring. Some areas of land within a larger parcel will either perform better or worse than the overall parcel, this will mask potential opportunities and limitations. A reduction in parcel sizes will minimise such errors. The issue of parcel size was a key concern in the Cheshire East examination, the Council may wish to consider the Inspectors’ interim views (12th November 2014) to ensure similar mistakes are not made.

Question 4 (GB) Do you have any comments on the approach to defining purpose 5 of the Green Belt Review?

24. By its very nature the Green Belt will support urban regeneration by the recycling of derelict and other urban land. Therefore it could be argued that all Green Belt parcels would score against this function. The use of Regeneration Priority Areas would appear to be a pragmatic response against which to assess this purpose. The designation of such areas is, however, a policy decision and as such may be considered to reduce the impartiality of the review. It is also worth considering the scope and scale of such land against which the Green Belt parcel is performing this purpose. For example Green Belt parcels which direct development towards areas with significant quantities of developable derelict or other urban land are

likely to perform more highly than areas with limited developable derelict or other urban land. It is important that the development potential of the derelict land is given full consideration.

Question 6: Development Limits (DL) Do you have any comments on:

a. the need to identify development limits in PLAN Selby?

25. The HBF recognises the need to maintain the character of settlements and the role that 'development limits' can play.

b. an alternative policy approach to protect the countryside?

26. Whilst no preference is included the Council could consider other policy approaches including criteria based policies which consider the impact of individual proposals not currently within existing boundaries.

c. the proposed methodology for defining development limits?

27. Notwithstanding our comments against question 1d, below, the proposed criteria are considered largely acceptable.

d. the conclusions about defining 'tight' development limits?

28. The study (paragraph 3.2.2) indicates that a tight boundary will mean that sites contained within the boundary have been properly assessed and will ensure that it would not pre-empt the allocations process. It is unclear why this would be the case, as a more loosely drawn boundary could still be assessed during the plan making process and all allocations within the plan would inevitably have to be within the development limits. Indeed the HBF would be concerned if a full assessment of whether a parcel of land should or should not be included in the development limits has not been undertaken regardless of whether the boundary is tightly drawn or not. In terms of the allocations point, surely all allocations for development will need to be included within the development limits. Indeed the study later indicates that all allocations as well as any review of the Green Belt would need to be incorporated into the development limits review.

29. A tight boundary will inhibit flexibility within the plan meaning that it cannot respond to changing circumstances without a full or partial review. The NPPF, paragraph 14, clearly outlines the need for plans to be flexible. The HBF consider that the development limits should be drawn based upon issues such as sustainability and character of the settlement rather than it simply being the boundary for existing or proposed development. Undeveloped land within a more loosely defined development limits boundary could be subject to specific criteria which limit the potential for such land being brought forward unless specific criteria are met, such as the lack of a five year housing supply or the need to provide additional development land due to changes in needs. Such an approach would also provide opportunities for development beyond the plan period, ensuring that the development limits do not need to be altered at plan review. This will provide greater longevity of the proposed limits and provide greater certainty for

developers and residents alike, working in a similar way to safeguarded land without the need to necessarily review the plan.

Question 7: Safeguarded Land (SL); Do you have any comments on the proposed approach to identifying safeguarded land set out in section 3 of the study?

30. The following comments are split into two sections, the review of existing safeguarded land and identification of new safeguarded land.

- **Reviewing Existing Safeguarded Land**

31. The two steps identified to the review of existing safeguarded land appear logical, however, the report does not provide any detail upon a number of key issues. Neither 'Step 1' nor 'Step 2' identify how 'exceptional circumstances' will be defined. The justification required for Green Belt additions is set out within the NPPF (paragraph 82). The NPPF identifies that when considering new additions to the Green Belt;

'.....local planning authorities should:

- *demonstrate why normal planning and development management policies would not be adequate;*
- *set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;*
- *show what the consequences of the proposal would be for sustainable development;*
- *demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and*
- *show how the Green Belt would meet the other objectives of the Framework.'* (NPPF, paragraph 82)

32. The well documented case '*Copas v. Royal Borough of Windsor and Maidenhead* [2001] EWCA Civ 180' also provides clear direction of the exceptional circumstances required when increases to the Green Belt are proposed;

'I would hold that the requisite necessity in a PPG 2 paragraph 2.7 case like the present - where the revision proposed is to increase the Green Belt - cannot be adjudged to arise unless some fundamental assumption which caused the land initially to be excluded from the event. Only then could the continuing exclusion of the land from the Green Belt properly be characterised as 'an incongruous anomaly'. The Secretary of State's 1991 objection to development was neither sufficiently long-term nor sufficiently clearly applicable to all possible development on all parts of the site to be capable of constituting such an event, still less when it seemed of itself to demonstrate the sufficiency of existing planning controls to safeguard the various amenity interests identified'. (Paragraph 40).

33. Whilst it is recognised that the existing safeguarded land was defined in 2005 the re-instatement of such land as Green Belt would need to demonstrate the tests of the NPPF and identify why previous decisions to

remove the land from Green Belt were wrong. The need for such evidence is supported by the Inspector of the Cheshire East Local Plan within his interim views (12th November 2014) and subsequent clarification letter (28th November 2014) when commenting upon proposals for a new Green Belt in the south of the area.

34. The HBF recommend that the study clearly set out how it intends to undertake this assessment if the safeguarded land is to be re-instated as Green Belt.
35. Step 2 is unclear how the safeguarded land will be tested for its development potential. It is understandable and logical that land which is no longer to be safeguarded but utilised as an allocation should pass through the housing and employment land tests employed within the SHLAA and ELR. However the study could usefully provide guidance upon how the development potential of sites to be retained as safeguarded land or re-instated as Green Belt are to be considered. Linked to our earlier point above the simple fact that they are not considered developable within the plan period should not be used as a reason, on its own, to suggest the site should be re-instated as Green Belt. This would be an unsound approach.

- **Identifying New Safeguarded Land**

36. The 'Where necessary' tests proposed are not considered sufficiently robust. The utilisation of just six years data, which shows variations of approximately 30%, is not sufficient to suggest that an average 50% of land going forward will come from previously developed land. Not only is the significant variance a cause for concern but also the fact that Selby failed to meet its housing requirement in all of the years identified. Indeed the 2013/14 Annual Monitoring Report indicates that over the six year period 2008/9 to 2013/14 the Council under-delivered by 959 dwellings. Therefore due to these two reasons the average percentage recorded for previously developed land cannot be considered as indicative of the percentage of land required to meet the plan requirements going forward.
37. With regards to windfalls these represent a significant proportion of completions, but like previously developed land the percentages are very variable and during much of the period the Council were not achieving their housing requirement. Furthermore it should be recognised that much of this supply has been provided during a period where there has been no up to date allocations plan and as such it is not recommended that significant weight be placed upon this evidence.
38. In common with the recommendation within the study the HBF therefore recommend that significant further work is necessary to identify the likely scale of previously developed land going forward.
39. In terms of defining the quantum of Safeguarded Land the HBF recommend that once the further work identified has been undertaken, option 3 be given strong consideration. This option which would provide sufficient safeguarded land to ensure further amendments to the Green Belt boundary

where not required at plan review. Whilst it is recognised that to date other Local Authorities have not taken this route it is considered that this most closely conforms to the requirements of the NPPF and particularly paragraph 85.

Question 9: Settlement Study (SS): Do you have any comments on:

a. The overall approach to the site selection process set out in section 6.3 of the study?

40. It is important that the site selection process is undertaken in a clear, consistent and transparent manner. It is essential that judgements upon individual sites against the criteria applied are undertaken objectively which allow the merits of one site to be weighed against another. The Inspectors' interim conclusions upon the Doncaster LDF Sites and Policies document, dated 3rd June 2014, provides guidance upon this issue. It is strongly recommended that HBF member companies are fully engaged throughout this process rather than only in stage 4. The advice of HBF members will be key to identifying opportunities. I would be happy to co-ordinate such engagement if required.

Stage 1: Initial Sift

41. Whilst the HBF concur that the allocations should be in general conformity with the Core Strategy the fact that a site is proposed in a settlement without a housing target should not mean it is instantly removed from the process. It must be remembered that the Core Strategy provides a general distribution to which the allocations should conform but this should not mean development opportunities in all Secondary villages are excluded. Such a process would ignore the potential for small-scale sites to fulfil local needs or provide other over-riding benefits.

42. In terms of heritage, whilst it is accepted that development within a Park and Garden of Historic Interest, a Scheduled Monument or a Historic Battlefield is likely to be inappropriate in the majority of cases some consideration of the actual designation and whether any scale or form of development is inappropriate is required prior to coming to this conclusion.

Stage 2: Quantitative Assessment

43. Whilst considering the identified criteria it is important that opportunities are also considered at this stage. For example a site on the edge of a settlement may warrant the inclusion of a shop, provision of a new school or new public transport accessibility.

Stage 3: Qualitative Assessment

44. In common with stage 2 it is recommended that opportunities are also considered in this stage.

Further Consultations

45. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided in the footer to this response.

Yours sincerely,

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