

#### Ryan King

From:

Leeming, Paul

Sent:

21 December 2012 12:37

To:

LDF: Helen Gregory

Subject:

Selby Local Plan Core Strategy - Proposed Changes No.7

Follow Up Flag: Follow up

Flag Status:

Red

Attachments:

16098 191212 GPE HELEN GREGORY PC7.pdf; Reps Set 1.pdf; Reps Set 2.pdf

Dear Mrs Gregory

Following our conversation please find attached representations on behalf of the Grimston Park Estate. There are three pdf files attached a cover letter with all comments and two containing the relevant forms. These have split due to file size.

Yours sincerely

Paul Leeming MRTPI Senior Associate

For and on behalf of Carter Jonas LLP

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Our Ref: HA16098/PAL/GP/

Your Ref:

E: DD:

Mrs H Gregory Selby District Council Civic Centre Doncaster Road Selby **YO8 9FT** 



The Property People

Regent House 13-15 Albert Street Harrogate HG1 1JX

T: 01423 523423 F: 01423 521373

19th December 2012

Dear Mrs Gregory

#### SELBY LDF SUBMISSION CORE STRATEGY SEVENTH SET OF PROPOSED CHANGES

Carter Jonas represents the Grimston Park Estate, a major landowner in the northern part of the District. Representations have been submitted to each stage of the Core Strategy so far and sessions of the Examination have been attended where they affect the Estate's interests.

Comments have been submitted in respect of the Estate's land and property interests around Tadcaster, Ulleskelf and Towton. Those areas remain the key points of interest.

In submitting further comments we have regard to the Inspectors' note as issued on 16th November 2012. Within that note the Inspector recognises that the areas where the need to recommend main modifications "to achieve a sound plan are relatively few". comments the Inspector has helpfully brought a number of issues to the fore in relation to exceptional circumstances for a Green Belt Review, the scale of housing and windfall (particularly calculation of the five year supply plus buffer) rural affordable housing and economic growth.

A number of other matters are covered including changes to the DSV designations and the Duty to Cooperate. On the latter issue it is clearly correct that detailed consideration must await the various legal submissions which are anticipated early in the New Year.

NPPF requires that at para 182 that

- "The Local Plan will be examined by an independent inspector whose role is to assess whether ..... it is sound...... namely that it is:
- Positively prepared the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructurerequirements, including unmet



requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

• Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

• • Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

• Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Turning to the Proposed Changes No.7 we consider these in detail below. A copy of the necessary forms (where we consider the changes or the policy and justification to be unsound and a further change or reversion required) is attached to this correspondence:

#### PC7.1: Para 4.9

The clarification is broadly supported as stated. However, we would suggest that the three main towns (Selby, Tadcaster and Sherburn) are set identified in the paragraph for the avoidance of doubt.

#### PC7.2 Para 4.39 CPXX Supporting Text

Within this broad set of proposed changes, amendments are included to reflect the wording and intent of NPPF to substantially increase the delivery of housing and promote sustainable patterns of development (Para 84).

NPPF at Para 83 suggests that Green Belt remains an important tool alongside settlement policy. It continues that Green Belt boundaries should be drawn up with regard to their intended permanence and to endure beyond the plan period (i.e. beyond 2027 or later). Boundaries should only be reviewed in exceptional circumstances through the preparation or review of a Local Plan. Para 85 sets out the considerations for defining boundaries, using recognisable features and ensuring that areas of safeguarded land are identified to meet the longer term needs beyond the plan period.

This latter issue does not appear to be explicit within the justification particularly para 4.39g. In order to address these matters we would suggest that proposed paragraph 4.39g should have the additional words inserted:

"[patterns of development] and to accommodate the longer term development needs beyond the plan period".

Paragraph 4.39h seeks to protect the settlement hierarchy and suggests that this is the most appropriate mechanism for delivering housing in sustainable locations. Changes introduced through PC7.2 remove reference to the "meet their own needs", to one of provide for an "appropriate level of growth." This change is supported as it moves away from the simplistic distributional approach based upon housing need, advocated in the (post submission) changes to Policy CP2.

Where we would then diverge from the Council's position is that the Submission Core Strategy includes an equal distribution of housing between both Tadcaster and Sherburn in Elmet of the District's housing provision at 9% each. A variation was produced in subsequent Proposed Changes to reduce Tadcaster's proportion (by 2%) and a similar hike in Sherburn's; providing a





differential of Sherburn 11% and Tadcaster 7%. This change was predicated on the case for housing need,; we no longer consider that policy approach to be justified and it is therefore unsound.

To resolve this concern we consider that now the housing need element is replaced by a wider "basket" of sustainability measures we would suggest that the proportions revert back to those set out in the Submission Core Strategy.

Paragraph 4.39j sets out what the Council considers to be the exceptional circumstances to justify a Green Belt Review through the Local Plan process. In broad terms, it suggests that where non-Green Belt land around higher order and selected settlements is not available the Council will need to review the Green Belt to deliver development in sustainable locations. This approach is sensible and therefore supported.

We would suggest that the phraseology in para 4.39j in relation to identifying areas of safeguarded land should be changed from "may" to "will". NPPF advocates that considering the potential for safeguarded land is a pragmatic requirement in identifying and defining Green Belt boundaries; not an optional exercise as the current wording suggests.

Paragraph 4.3900 suggests what the Green Belt review will do. In light of our comments above, we would suggest that the word "and" is inserted between the third and fourth bullet points. In our view this improves the legibility of the paragraph.

#### PC7.3 Amended CPXX policy Text

A number of amendments are proposed to Policy CPXX within PC7.3. The intent of these changes is broadly supported. We would suggest however, that the policy should be more definitive and allows for the review of Green Belt boundaries to exclude land which no longer performs a Green Belt function, consistent with the provisions of the NPPF.

In our view the revised CPXX does not provide a policy "hook" for the Green Belt Review and is therefore unsound. We would suggest that the beginning of provision C is reworded as follows:

"A comprehensive review of Green Belt boundaries will be undertaken through the Local Plan. Boundaries will only be altered in exceptional circumstances. Such [exceptional circumstances may exist where:]"

To deal with the second point, we would suggest that a fourth criterion is added which deals more prosaically where a Green Belt designation is anomalous or no longer required, or where land is no longer considered to serve a Green Belt function.

"[iii) land], or

iv) in localised areas the Green Belt designation is anomalous, or the land is not considered to serve a Green Belt function due to incremental changes in land use around it."

#### PC7.4 Para 4.29

Makes reference to the Development Limits which are to be defined as part of the Policies Map; we have no comments upon this change.



#### PC 7.5 Amended para 4.29 (Well designed new buildings)(

We have no comment about this particular change.

#### PC 7.6 Policy CP1 Part A (a)

We have no comment about this particular change.

#### PC7.7 CP1 Part A (a) Fairburn status

We have no comment about this particular change.

#### PC7.8 CP1 Part A (b) Development Limits

We have no comment about this particular change.

#### PC7.9 CP1 Part A (c) Development in the Countryside

We have no comment about this particular change.

#### PC7.10 CP1A Para 4.47

We would suggest that the word "liner" be replaced with "linear"; the statement would then make sense.

#### PC7.11 CP1A

Minor changes to the wording of the policy are proposed. These add to the clarity and legibility of the policy; we have no comment on these minor wording changes.

#### PC7.12 CP2 Paras 5.28 Onwards

We assume that the heading block for this proposed change includes the section from paragraph 5.25 onwards (as changes to this paragraph do not appear to be referred to elsewhere); otherwise the Proposed Changes are not complete or coherent.

Paragraph 5.27 as drafted following the current set of Proposed Changes is factually incorrect and is therefore unsound. The Core Strategy will not be adopted until 2013. We would suggest therefore that PC5.22 and 5.23 be deleted and updated to reflect the actual likely adoption date and a 15 year end point identified there from, i.e. 2028.

An approach which accepts windfall sites as a "bonus" rather than as an integral part of the "planned for" housing supply is supported. Taking the estimate that the Council anticipates that a lean year will produce around 100 dwellings from windfall sites we are satisfied that the Council is seeking to support an annualised housing figure of *at least* 550 units per year.

#### PC7.13 CP2 Windfall Footnote

If however, the Council is maintaining the current proposed end date of 2027, we would query the mathematics in the current Provision B: 7,200 – 1820 is 5,380; not 5,340. It would be appropriate for the target to be rounded up to 5,400 and set as a minimum target. It should read:

" Taking into account current commitments, housing land allocations will be required to provide for a minimum target of 5,400 dwellings for the period to 2027, as follows:



We would suggest that Column 6 of the subsequent be labelled "Minimum New Allocations needed". To accommodate the changes in the numbers we would suggest that the figure for Tadcaster should be rounded up to 400, and to 1,800 for the DSVs. (Subject to our comments on PC 7.2, 7.17 and 7.19).

#### PC7.14 CP2 Clarification

This clarification is supported and reflects comments made to the previous set of Proposed Changes (No 6).

#### PC7.15 CP2 Phasing

This proposed change seeks to delete parts of the policy on phasing. Confirmation of this change (PC6.40) is supported.

#### PC7.16 Para 5.44c-f Deletion

These changes seek to correct duplication in the supporting text which refers to the use of PDL targets. Such targets are no longer supported by national policy, so their removal is consistent with NPPF.

#### PC7.17 CP3 Para 5.55a (new 5.52) and PC7.19 CP3 Para 5.55e

Comments in relation to these changes replicate the matters set out above in relation to PC 7.2 where it refers to "appropriate levels of growth" and consequential reversion to the Core Strategy CP2 distribution.

#### PC7.18 CP3 Para 5.55d Plan Review

This proposed change is supported as the text is superseded by changes elsewhere at Policy CP3.

#### PC7.20 CP3 Part B (plus consequential text changes 5.44b, h, m, n and o)

Changes are imposed here to ensure consistency with the NPPF. These changes to the text and policy are supported.

#### PC7.21 CP5

We have no comment upon this particular change to the policy.

#### PC7.22 CP6 "Exceptions" sites

Changes are proposed to enable market housing to be progressed where this will enable the delivery of affordable and local needs housing where grant funding allocation may not be available to cover the cost.

#### PC7.23 CP9

Several changes are proposed to Policy CP9 to ensure consistency with NPPF. We have no comment upon these changes.

#### PC7.24 CP12 and PC7.25 CP 12 Criterion b

Both of these changes comprise minor wording changes to ensure consistency with the NPPF and clarity within the policy. We have no comments to make at this time.



#### PC7.26 (CP14) Para 7.53, PC 7.27 CP14 Policy and PC7.28 CP14

These changes seek to more closely reflect the wording within the NPPF. We have no comments at this time.

#### Conclusions

The seventh set of Proposed Changes are broadly welcomed as they more accurately reflect the contents of the NPPF. We would remain of the view that the cumulative effect of all of the Proposed Changes over the previous 18 months do not substantively change the Core Strategy as submitted, but merely seek to clarify the policy and justification and to bring the contents of the document in to line with the prevailing planning policy.

A number of concerns remain; in particular we are of the view that the Core Strategy should seek to deliver a minimum of 550 dwellings per annum over the Core Strategy period and this should be stated explicitly in Policy CP2. It is welcomed that the Council acknowledges that at least 550 dwellings should be delivered; however, this relies upon a balance of provision from as yet unknown "windfall" sites. By their very nature these cannot be predicted, as a consequence it would be prudent for the Council to ensure that sufficient land is identified and made available and that any windfall allowance should be a "bonus" not to be relied upon.

Some of the changes relating to Tadcaster suggest that it should seek to accommodate an "appropriate level of growth". A move away from a simplistic approach based upon an accumulation of the housing need of the northern sub-area is welcomed where this is instead determined by a wider basket of sustainability measures. In our view, mindful that both Sherburn and Tadcaster are Local Service Centres the housing distribution should revert to that set out in the Submission version of CP2 of 9% of the housing requirement each.

As it is we consider that there are a number of minor amendments required to Policy CP2 and the housing numbers contained within it. Should delivery of the housing numbers require a review of the Green Belt and the exceptional circumstances can be demonstrated, we have suggested a number of minor changes to Policy CPXX and the justification which we consider provides a more definitive policy stance as well as a consistent approach to the identification of safeguarded land.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

Paul Leeming BA (Hons) BTP MRTPI Senior Associate For and on behalf of Carter Jonas LLP Encl



PC 7.12 Policy	CP2 Justification					
PC 7.12 Policy	CF2 Justification					
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The Core Strategy has been subject to Examination by an independent Inspector at hearings in September 2011, April 2012 and September 2012.

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Representations are therefore invited as part of this consultation on the 7th Set of Proposed Changes to the Submission Draft Core Strategy and the Further Sustainability Appraisal Addendum Report.

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

### Completed representation forms must be returned to the Council no later than 5pm on Friday 28 December 2012

Email to: Idf@selby.gov.uk

Fax to: 01757 292229

Post to: Policy & Strategy Team, Selby District Council, Civic Centre,

#### **The Tests of Soundness**

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

#### Positively prepared

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

#### **Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

#### **Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

#### Consistent with national policy

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

#### Contact Details (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name		PAUL LEEMING
Organisation	THE GRIMSTON PARK ESTATE	CARTER JONAS LLP
Address		REGENT HOUSE 13 - 15 ALBERT STREET HARROGATE HG1 1JX
Telephone No.		
Email address		

It will be helpful if you can provide an email address so we can contact you electronically.

You only need to complete this page <u>once</u>. If you wish to make more than one representation, attach additional copies of Part B (pages 3-4) to this part of the representation form.

Please identify the Proposed Change (which can be found on the Published Schedule, CD2g) to which this representation refers to: PC 7.13 Policy CP2 Windfall footnote and Policy Text Question 1: Do you consider the Proposed Change is: Yes No 1.1 Legally compliant 1.2 Sound Yes X No If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3. Question 2: If you consider the Proposed Change is unsound, please identify which test of soundness your representation relates to: (Please identify just one test for this representation) 2.1 Positively Prepared 2.2 Justified ☐ 2.4 Consistent with national policy Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound. CP2 Footnote 6 seeks to clarify the provision from planned for sites (target completions) and an anticipation of completions from windfall sites. This clarification is welcomed. In light of the amended position on windfalls however, we would query the situation if windfall sites fail to deliver the number of dwellings anticipated. As drafted we consider that the policy is unsound as it is not effective. We would suggest that the Policy CP2 wording should be amended to carry the figures through to a policy hook. Consistent with our previous representations we would suggest that an additional provision should be included: "A minimum of 550 dwellings per annum will be delivered during the Core Strategy period." Subsequent provisions should be renumbered. In line with our previous representations the numbers should be amended to take into account a 15 year end date of 2028.

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Name		PAUL LEEMING
Organisation	THE GRIMSTON PARK ESTATE	CARTER JONAS LLP
Address		REGENT HOUSE 13 - 15 ALBERT STREET HARROGATE HG1 1JX
Telephone No.		
Email address		

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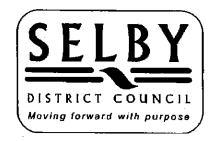
Please identify the Proposed Change (which can be found on the Published Schedule, CD2g) to which this representation refers to:

PC7.17 CP3 Par	a 5.55a (new 5.52) and PC7.19 CP3 Para	5.55e							
Question 1:	Do you consider the Proposed Change is:								
	1.1 Legally compliant	$\boxtimes$	Yes		No				
	1.2 Sound		Yes	$\boxtimes$	No				
you have er	ntered No to 1.2, please continue	to Q2. Ir	all othe	r circumstar	nces, please	go to Q3.			
uestion 2:	If you consider the Proposed ( soundness your representatio	_		nd, please i	dentify whi	ich test o	f		
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	☐ 2.3 Effective								
	2.4 Consistent with national	policy							
	relation to these changes replicate the make of growth" and consequential reve					t refers to			
Such matters h	nave been dealt with through earlier rep	resentatio	ns.						
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	(Your req	uest will be conside by invitation only).	ered by the Ir	spector, how	ever, attena	ance at the E	xamination in
raised through	these Propo	ajor landowner with b sed Changes directly n and contribute to th	affect the inte	rest of the Estat	s in the North e. As a conse	of the District quence it is im	. The matters portant to
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⊠ lagree wi	th this sta	tement and wish t	o submit th	e above repr	esentation	for consider	ation.
igned PAUL	LEEMING			Dated	21/12/12		







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PC 7.2 Para 4.39	Supporting Text for CPXX						
Question 1:	Do you consider the Proposed Change is:						
	1.1 Legally compliant	<u>{</u> ]	Yes		No		
	1.2 Sound		Yes	$\boxtimes$	No		
If you have er	ntered No to 1.2, please continue to Q2.	. In	all other circui	nstan	ces, please go to Q3.		
Question 2:	If you consider the Proposed Chang soundness your representation rela			ease i	dentify which test of		
	☐ 2.1 Positively Prepared		(Please identif	y just	one test for this representation)		
	2.3 Effective						
	☐ 2.4 Consistent with national policy	<b>y</b>					
Question 3:	Please give details of why you cons compliant or is unsound and provid						

necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.

Within this broad set of proposed changes, amendments are included to reflect the wording and intent of NPPF to substantially increase the delivery of housing and promote sustainable patterns of development (Para 84).

NPPF at Para 83 suggests that Green Belt remains an important tool alongside settlement policy. It continues that Green Belt boundaries should be drawn up with regard to their intended permanence and to endure beyond the plan period (i.e. beyond 2027 or later). Boundaries should only be reviewed in exceptional circumstances through the preparation or review of a Local Plan. Para 85 sets out the considerations for defining boundaries, using recognisable features and ensuring that areas of safeguarded land are identified to meet the longer term needs beyond the plan period.

This latter issue does not appear to be explicit within the justification particularly para 4.39g . In order to address these matters we would suggest that proposed paragraph 4.39g should have the additional words inserted:

"[patterns of development] and to accommodate the longer term development needs beyond the plan period".

Paragraph 4.39h seeks to protect the settlement hierarchy and suggests that this is the most appropriate mechanism for delivering housing in sustainable locations. Changes introduced through PC7.2 remove reference to the "meet their own needs", to one of provide for an "appropriate level of growth." This change is supported as it moves away from the simplistic distributional approach based upon housing need, advocated in the (post submission) changes to Policy CP2.

Where we would then diverge from the Council's position is that the Submission Core Strategy includes an equal distribution of housing between both Tadcaster and Sherburn in Elmet of the District's housing provision at 9% each. A variation was produced in subsequent Proposed Changes to reduce Tadcaster's proportion (by 2%) and a similar hike in Sherburn's, providing a differential of Sherburn 11% and Tadcaster 7%. This change was predicated on the case for housing need,; we no longer consider that policy approach to be justified and it is therefore unsound.

Question 3 cor	itinued			·		
To resolve this	concern we consider that n ould suggest that the prop					ility
through the Lo selected settler	j sets out what the Council cal Plan process. In broad t ments is not available the C approach is sensible and th	erms, it suggests ouncil will need to	that where non-Gre o review the Green	en Belt land arou	ind higher order and	i
changed from	gest that the phraseology in "may" to "will". NPPF advoc identifying and defining G	ates that conside	ring the potential f	or safeguarded la	nd is a pragmatic	gests.
Paragraph 4.39 word "and" is it	oo suggests what the Greenserted between the third a	n Belt review will ind fourth bullet p	do. In light of our c points. In our view t	omments above, :his Improves the	we would suggest t legibility of the para	hat the agraph.
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⊠ lagree w	ith this statement and	wish to submit	the above repr	esentation for	consideration.	
Signed PAUL	LEEMING		Dated	21/12/12		







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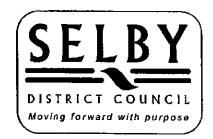


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PC 7.3 Policy C	PXX					
Question 1:	Do you consider the Proposed	Change	is:			•
	1.1 Legally compliant	X	Yes		No	
	1.2 Sound		Yes	$\boxtimes$	No	
If you have e	ntered No to 1.2, please continue	to Q2. Ir	n all othei	circumstar	nces, please go to Q3.	
Question 2:	If you consider the Proposed C soundness your representation			nd, please i	dentify which test of	
	☐ 2.1 Positively Prepared			identify just	one test for this represen	tation
·	2.2 Justified					
	■ 2.3 Effective				·	
	2.4 Consistent with national	policy				
A number of a	necessary to make the Propose legally compliant or sound.  mendments are proposed to Policy CPXX					<del></del> ]
A number of a	mendments are proposed to Policy CPXX gest however, that the policy should be r	( within P	C7.3. The in	ntent of these	changes is broadly supported.	
to exclude land	d which no longer performs a Green Belt	function,	consistent	with the prov	isions of the NPPF.	,
	e revised CPXX does not provide a policy t that the beginning of provision C is rew			Belt Review a	and is therefore unsound. We	
	sive review of Green Belt boundaries will eptional circumstances. Such [exceptional					
To deal with the Green Belt des function.	ne second point, we would suggest that a lignation is anomalous or no longer requ	a fourth ci ired, or w	iterion is a here land is	dded which d i no longer co	eals more prosaically where a nsidered to serve a Green Belt	
	areas the Green Belt designation is anon ental changes in land use around it. "	nalous, or	the land is	not considere	ed to serve a Green Belt functio	n
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