

Selby District

Submission Draft Core Strategy

Publication Version January 2011

Representation Form

Part A

In completing this representation form, you are providing a formal consultation response under Regulation 27 of the Town and Country Planning (Local Development)(England) Regulations 2008 with regard to the Selby District Submission Draft Core Strategy DPD on grounds of soundness only.

Please complete separate copies of Part B (pages 3 and 4) of this form for each section, policy, table, map or diagram about which you wish to comment.

If you believe that a section, policy, paragraph, table, map or diagram is unsound with regard to more than one test of soundness please provide a separate representation for each test.

The Tests of Soundness

Soundness is explained in PPS12 (Planning Policy Statement 12) in paragraphs 4.36 - 4.47, 4.51 and 4.52 and the boxed text. Specifically paragraph 4.52 states that to be sound a Core Strategy should be:

1 Justified

PPS12 provides that to be 'justified' a DPD (in this case the 'Core Strategy') needs to be :

- founded on a robust and credible evidence base involving:
 - evidence of participation of the local community and others having a stake in the area
 - research/fact finding - the choices made in the plan are backed up by facts
- the most appropriate strategy when considered against reasonable alternatives

2 Effective

PPS12 states that Core Strategies should be effective. This means:

- Deliverable - embracing:
 - Sound infrastructure delivery planning
 - Having no regulatory or national planning barriers to delivery
 - Delivery partners who are signed up to it
 - Coherence with the strategies of neighbouring authorities
- Flexible
- Able to be monitored

3 National Policy

The DPD (in this case the 'Core Strategy') should be consistent with national policy. Where there is a departure, the Local Planning Authority (LPA) must provide clear and convincing reasoning to justify their approach.

Completed representation forms must be returned to the Council no later than 5pm on Monday 21st February 2011.

Email to: ldf@selby.gov.uk (Please save a copy to your computer prior to e-mailing your response)

Post to: LDF Team, Development Policy, Selby District Council, Civic Centre, Portholme Road, Selby YO8 4SB

Contact Details (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Title	Mr	
First Name	Steve	
Last Name	Staines	
Job Title (where relevant)		
Organisation	Traveller Law Reform Project/Friends, Families and Travellers	
Address Line 1	PO Box 223	
Address Line 2	Ely	
Address Line 3		
County	Cambs	
Postcode	CB7 9BA	
Telephone No.		
Email address	steve@gypsy-traveller.org	

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

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

Part B (please use a separate sheet (pages 3 and 4) for each representation)

Please identify the part of the Core Strategy to which this representation refers:

Section No.	<input type="text"/>	Policy No.	<input type="text" value="CP7"/>	Paragraph No.	<input type="text" value="5.99-5.109"/>
Map No.	<input type="text"/>	Figure No.	<input type="text"/>	Other	<input type="text"/>

Question 1: Do you consider the DPD is:

1.1 Legally compliant Yes No

1.2 Sound Yes No

If you have entered No to 1.1, please continue to Q2. In all other circumstances, please go to Q3.

Question 2: If you consider the DPD is unsound, please identify which test of soundness your representation relates to:

(Please note you should complete separate Part B (pages 3 and 4) of this form for each test of soundness the Core Strategy fails.)

- 2.1 Justified (Please identify just one test for this representation)
- 2.2 Effective
- 2.3 Consistent with national policy

Question 3: Please give details of why you consider the Core Strategy DPD is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Please see response to Question 3 at the end of this form.

Question 4: Please provide details of what change(s) you consider necessary to make the Core Strategy DPD legally compliant or sound, having regard to the test you have identified in Q2 where this relates to soundness. You will need to say why this change will make the Core Strategy DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see response to Question 4 at the end of this form.

(Continue on a separate sheet if submitting a hard copy)

PLEASE NOTE your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination. For further information on the stages see The Planning Inspectorate website (http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm)

Question 5: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?

5.1 Written Representations

5.2 Attend Examination

5.3 If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

Representation Submission Acknowledgement

I acknowledge that I am making a formal representation under Regulation 27 of the Town and Country Planning (Local Development)(England) Regulations 2008. I understand that my name (and organisation where applicable) and representation will be made publically available during the public examination period of the Core Strategy in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed S J Staines

Dated 21st February 2010

Question 3

Para 5.10 clearly identifies that all sites are at capacity from which one could conclude that there are 78 pitches occupied. In addition the July 2010 CLG caravan count that there are 12 caravans on Gypsy's own land without the benefit of planning permission. Clearly there is an immediate need for pitches to accommodate the 12 caravans on authorised sites, this translates using the standard measure of 1.7 caravans per pitch at 7 pitches. The council accepts there is a need for 7 pitches and intends to make plans for 10.

However the GTAA shows in table 6.1 that there are needs from other sources. It identified needs from 3 concealed pitches on sites and 13 from those currently in conventional housing. It concluded that there was a current shortfall in 2008 of 26 pitches. It further concluded that there was a need for 9 pitches to take account of family formation to 2015. This totals a need of 33 pitches. The methodology employed made assumptions about pitch supply. In the absence of any local data an assumption was made about pitch turnover. We must seriously question this assumption since it is not based on any hard evidence. The NW RSS Partial Review which examined the issue of Gypsy and Traveller Accommodation in March 2010 and which was released under a FOI request looked closely at the use of pitch turnover as a source of pitch supply.

Para 2.25 said:

"2.25 A third concern relates to the way in which deductions have been made in 2 of the sub-regional GTAAs for pitch turnover, i.e. churn. This was used in the Cheshire Partnership (15 pitches) and Merseyside (10 pitches) GTAAs. The use of pitch turnover as a contributor to pitch supply seems to us to be unreliable. In the illustration at paragraph 96 of the GTAA Guidance the supply side includes the number of existing pitches expected to become vacant in near future. However, the regional GTAA, at paragraph 5.2.1 says that there is evidence to suggest that many of those who have chosen to leave local authority sites remain within the local authority, sub-regional or regional boundary. Families moving from local authority sites do not, therefore, automatically result in an increase in the supply of pitches. We have taken account of advice in the Benchmarking Guidance which says, under the heading "supply of pitches", that in benchmarking GTAAs one of the most important elements to check is pitch turnover. This is clarified under Q11 (p35) which says that supply can come from any pitches vacated by people moving to housing, moving out of the area, or vacated in other ways such as the death of a sole occupier. It seems clear to us that any supply derived in this way would have to relate to known personal circumstances. We do not accept Halton BC's contention that 10 pitches should be subtracted from its total requirement to make allowance for vacancies as there is no supporting evidence concerning the personal circumstances of those vacating the sites which would demonstrate that they have not sought or occupied other sites within the region. Our conclusion is that due to the evidence set out in the regional GTAA, and where there is no evidence to suggest that vacancies have resulted in any increase in overall supply, pitch turnover cannot

reasonably be used as a contributor to pitch supply. We recommend that pitch turnover be deleted from the pitch supply and that to compensate there needs to be an increase of 25 pitches in the overall regional requirement."

Therefore we feel that the overall evidence is insufficient to use pitch vacancies as a source of supply. Therefore reliance of the council on a 10 pitch provision cannot be assumed to meet the needs either current or into the future. The core strategy must therefore be unsound because it is not justified by the evidence or effective in meeting needs.

There is also a concern that the 7 pitch allocation is for an unspecified period. It would seem that the council is intending only to meet the backlog and is not planning for the future. There does seem on the basis of our arguments above to be a need for 33 pitches to 2015.

Policy CP7

We have some concerns about some of the criteria listed which do not reflect current guidance - Circular 1/2006.

The requirement that sites should be located in or close to a settlement does not necessarily reflect the difficulty which Gypsies and Travellers may face when trying to secure an adequate supply of affordable land for their needs. para 54 of 1/2006 is clear that sites may be found in rural and semi-rural settings and that rural settings are acceptable in principle and that local authorities should be realistic about alternatives to the car when accessing local services. As it stands the part of the policy seems to be more restrictive than current national policy.

Criterion 1 goes beyond current guidance. Although 1/2006 para 48 states that there is a general presumption against sites in Green Belt it is clear that in some areas exceptional circumstances may mean that there may be no other recourse than to Green Belt if Gypsies and Travellers are to find affordable land for their needs.

In the same way the presumption against sites in a locally important landscape area is contrary to national guidance in 1/2006 para 53 which states that local landscape and local nature conservation designations should not be used in themselves to refuse planning permission....

Criterion 4 in our view will open the door to NIMBY objections. Any development can be held to have significant adverse affect on amenity. As with all planning issues there is a balance to be struck between utility and harm. This criterion is likely not be to effective in allowing sites to be developed on amenity grounds.

Question 4

Changes:

para 5.105 should reflect the most up to date evidence base. Clearly the GTAA has identified a need for 33 pitches to 2015 and the paragraph should state this.

Policy CP7

Change second sentence to read : "New pitches / sites, should be located in or within reasonable distance from a settlement containing a primary school, shops and other local services, or constitute an extension to an existing permitted site. "

The will ensure conformability with national policy.

Criterion i) - since this criterion does not reflect current national guidance it should be deleted.

Criterion iv) - alter to read: "iv. the pitch / site is well screened, or where necessary is capable of being screened, and would not have an unacceptably adverse effect on local amenity and the character and appearance of the surrounding area;"

This change will help ensure that NIMBY objections will not be sustainable.