



**Selby District Submission Draft Core Strategy  
Consultation on Further Proposed Changes (6th Set)  
June 2012  
Representation Form**

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

**Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.**

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 Thursday 19 July 2012**

**Email to: [ldf@selby.gov.uk](mailto:ldf@selby.gov.uk)**

**Fax to: 01757 292229**

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

## Part A

### 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	Mr Peter Hill	Mr Michael Watts
Organisation	Hogg Builders (York) Limited	Nathaniel Lichfield & Partners
Address	Redmayne Lodge, Park Gate Strensall North Yorkshire YO3 5YL	3rd Floor, One St James's Square, Manchester M2 6DN
Telephone No.		0161 837 6130
Email address		mwatts@nlppanning.com

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

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

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

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

6.20

**Question 1: Do you consider the Proposed Change is:**

1.1 Legally compliant  Yes  No

1.2 Sound  Yes  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:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 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.**

Hogg Builders considers that Policy CPXX is unsound because it is not 'consistent with national policy'.

Part E. of Policy CPXX provides the mechanism by which the LPA can allocate land from the Green Belt for the purposes of development, where the identified need cannot be met by non-Green Belt land. Hogg Builders consider that while there remain opportunities to release land in and around settlements in the district, which perform well in sustainability terms and are located outside of the Green Belt, such sites should be released before consideration is given to releasing Green Belt land. This is supported by national planning policy through the NPPF's presumption in favour of sustainable development.

Policy CPXX must make clear that sustainable development options should not be limited to one settlement, but should be considered on a district wide level. This means that if no suitable non-Green Belt sites are available for the delivery of housing in or on the edge of Tadcaster, for example, sustainable opportunities in other settlements, such as Sherburn, should be considered before the LPA releases Green Belt land for development purposes. Hogg Builders considers the best way of incorporating this approach in the Core Strategy is to provide the scope for reviewing the development limits of settlements in the district as part of the Site Allocations DPD.

As a consequence of the above, Hogg Builders consider that Policy CPXX (Part E) should be re-worded as follows:-

"Under Criterion D4 (above), the SADPD may amend the development limits of settlements to allow for sustainable development to take place in accordance with the objectives of the Core Strategy and the Spatial Strategy."

This change would result in a sound policy, which is consistent with national policy.

Question 3 continued

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

**Question 4: 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?**

**4.1** Written Representations                       **4.2** Attend Examination

**4.3** 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).

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

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) 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

Dated 18th July 2012

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

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

6.26 & 6.30

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  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:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
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**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.**

Hogg Builders considers that Policy CP1 is unsound because it is not 'effective' in achieving the objectives of the Core Strategy and it has not been positively prepared under the requirements of the NPPF.

Hogg Builders consider that Policy CP1 part (b) places restrictions on residential development in Secondary Villages which are inconsistent with the objectives of the Core Strategy. Key objectives of the Submission Draft Core Strategy include the need to support rural regeneration; to reinforce the distinct identity of towns and villages; to foster the development of inclusive communities; and, to provide an appropriate mix of market, affordable and special needs housing to meet the needs of District residents, particularly young people and older people. Meeting such needs cannot be achieved by placing undue restrictions on house building. If new housing is not built in Secondary Villages, such communities will be unsustainable as young people will have no choice but to settle in larger towns where new housing provision is made, leading to an ageing and unsustainable population.

In order to be effective, Policy CP1 needs to include more flexibility within the policy to allow new housing development in Secondary Villages to meet local needs. Hogg Builders therefore request that part (b) of Policy CP1 is redrafted to allow for an appropriate scale of residential development to be absorbed in Secondary Villages.

In addition, Policy CP1 includes the sequential test for the location of new development, with priority going first to previously developed land (PDL). The requirement for a formal sequential test has been removed from national guidance and whilst the strategy of developing on brownfield sites in advance of other types of land is appropriate in broad terms, a formal sequential test is more suitable for urban areas which have large amounts of PDL available. Selby does not have the availability of PDL within the district to require a formal test.

This approach does not accord with the new test for soundness within the draft NPPF which requires LPAs to plan positively for new development. Hogg Builders therefore request that the sequential test within Policy CP1 is removed.

*Question 3 continued*

As a consequence of the above, Hogg Builders consider that Policy CP1 (part b) should be re-worded as follows:-

- b) "Residential development of an appropriate scale may be absorbed in Secondary Villages, which conform to the provisions of Policy CP1A".

The current part (d) would then be omitted. This change is linked to the provisions of CP1A and would result in a sound policy, which is effective in achieving its objectives.

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

**Question 4: 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?**

- 4.1 Written Representations**  **4.2 Attend Examination**

- 4.3** 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).*


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

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) 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**

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**Dated** 18th July 2012

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

Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

5.26

**Question 1: Do you consider the Proposed Change is:**

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  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:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 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.**

Hogg Builders considers that revised Policy CP2 is unsound because the proposed housing distribution will not allow the required housing growth to be delivered in accordance with the spatial strategy. It is therefore not effective in achieving its objectives.

Hogg Builders considers that the proposed housing requirement figure of 450 dwellings per annum should be the minimum increase that should be considered acceptable, bearing in mind the evidence base. It should be emphasised that this figure is an annual minimum target, rather than an average or maximum, which would prevent additional, sustainable housing development from coming forward during the plan period. The NPPF (para. 47) states that LPAs should provide additional land above identified needs to ensure choice and competition in the market for land but also to provide a realistic prospect of achieving the planned supply. Sites are often subject to unforeseen issues which prevent or slow down the delivery of development and it is therefore important that there is sufficient flexibility in the housing land supply to ensure that identified needs can be met.

The key issue for Hogg Builders is the proposed distribution of housing across the District's settlements, rather than the overall housing requirement figure. Hogg Builders consider that the failure of Policy CP2 to attribute a larger proportion of the district's housing requirement to Sherburn-in-Elmet over Tadcaster will undermine the prospects of required housing growth being delivered in accordance with the spatial strategy. In addition, the large proportion of housing attributed to the Designated Service Villages does not accord with the Spatial Development Strategy (Policy CP1). We provide Hogg Builders views on the proposed distribution of housing in each settlement below.

Continue overleaf

## Question 3 Continued

**Selby**

Hogg Builders consider that due to Selby's status as the district's Principal Town, the proportion of housing given to Selby (51% of the total housing requirement) is about right. Selby should be the focus of the majority of new development, in accordance with the Spatial Development Strategy. Selby is the only Principal Town within the district and is the largest, most self-contained settlement, and therefore the best placed to accommodate the highest level of growth. The completion rates for Selby also show that the past delivery of housing in the town has been strong.

**Tadcaster**

The housing distribution figures in Policy CP2 allocate Tadcaster 7% of the total district housing requirement. This figure reflects housing needs as identified by the SHMA, however, the figure does not take into account the significant issues of housing delivery in the town. The SHMA is based on housing delivery figures from 2004/5 to 2007/8, prior to the economic recession. Even during this boom period, housing delivery in Tadcaster comprised just 2% of all homes provided in Selby District (51 homes). The minimum requirement from 2011 to 2027 of 500 dwellings does not represent a realistic figure for the actual delivery of housing that is likely to come forward within the town. The past trends of under delivery in Tadcaster due to land ownership issues and other constraints, show no sign of being resolved. Hogg Builders therefore considers that the proportion of housing attributed to Tadcaster should be further reduced to ensure a more realistic housing target that will not result in a shortfall during the plan period.

**Designated Service Villages**

Almost 30% of the total housing requirement under Policy CP2 is attributed to Designated Service Villages. Designated Service Villages comprise the third tier of settlements within the Selby District settlement hierarchy, after Selby as the Principal Town and the Local Service Centres of Sherburn-in-Elmet and Tadcaster. Policy CP1 Spatial Development Strategy recognises that there is some scope for additional residential and small-scale employment growth to support rural sustainability within Designated Service Villages. However, this potential growth does not justify the allocation of 30% of the total housing requirement, to the detriment of higher order settlements within the District. The majority of Designated Service Villages will be unable to support the level of development proposed, which will result in a shortfall of the housing delivery targets during the plan period.

Whilst it is accepted that the revised housing distribution better reflects housing needs as set out by the SHMA, to allocate nearly one third of the housing requirement to Designated Service Villages conflicts with the Spatial Development Strategy (Policy CP1). The higher order settlements should be receiving the majority of new housing growth to reflect both their position in the settlement hierarchy and the objectives of achieving sustainable patterns of development.

To ensure that housing growth can be delivered in accordance with the Spatial Development Strategy, it is therefore necessary for a proportion of the housing currently attributed to Designated Service Villages to be re-distributed to the higher order settlements, particularly those that rate highly in sustainability terms, such as Sherburn-in-Elmet.

**Secondary Villages**

Just 2% of the housing requirement is given to Secondary Villages under Policy CP2. Hogg Builders consider that there is a need for a more equal and sustainable distribution of housing across the Designated Service Villages and Secondary Villages to ensure that housing can be built in the most appropriate locations in response to local housing needs. It is therefore proposed that a proportion of housing attributed to the Designated Service Villages should be transferred to the Secondary Villages. This will provide opportunities to deliver housing more locally and better meet affordable housing needs within the District.



Question 3 Continued

**Sherburn-in-Elmet**

The housing distribution figures in Policy CP2 allocate Sherburn-in-Elmet 11% of the total district housing requirement. This figure reflects housing needs as identified by the SHMA, however, based on the town's strong sustainability credentials and its potential for the delivery of new development, it is clear that Sherburn-in-Elmet should have an even larger proportion of the district's housing requirement, particularly in comparison to Tadcaster.

Sherburn-in-Elmet is a highly sustainable settlement, where people can access shops, employment, services and facilities by walking or public transport. As such, the town is rightly recognised as a Local Service Centre, and a focus for further growth. Evidence set out in Core Strategy Background Paper No. 14 'Housing Scale and Distribution' (2012) supports this position and recognises the town's high sustainability credentials. Based on the results of The Retail, Commercial and Leisure Study for Selby (2009), Sherburn-in-Elmet is considered to be a more vibrant and viable centre when compared with Tadcaster. In addition, while Tadcaster has experienced a population decrease, the settlement population of Sherburn-in-Elmet has grown and is now above that of Tadcaster.

The Council is keen that Tadcaster should meet its own housing needs, even if this requires the release of Green Belt land due to the issues with land availability around the settlement. However, while there remain opportunities to release land in and around Sherburn, which perform well in sustainability terms and remain outside of the Green Belt, such sites should be released before consideration is given to releasing Green Belt land.

Hogg Builders has undertaken work to demonstrate the deliverability and suitability of a potential new housing site in Sherburn-in-Elmet, which will meet locally identified housing needs within the town and contribute to the sustainable growth of Sherburn-in-Elmet. Details regarding the potential of this site (Land West of Garden Lane, Sherburn-in-Elmet – SHLAA ref. PHS/58/004) have previously been submitted under the Site Allocations DPD Issues and Options consultation and SHLAA 2011/12 update. This site represents an excellent example of an opportunity to deliver a sustainable housing development to Sherburn-in-Elmet, in line with the strategic aims and objectives of the emerging Core Strategy. Furthermore land to the south at Garden Lane Nurseries (SHLAA ref. PHS/58/005) represents an additional site at Sherburn-in-Elmet, outside of the Green Belt that could be considered for housing. Such sites should be allocated for housing before Green Belt land is reviewed to the west of Tadcaster for potential release.

The failure to adequately take into account the issues of sustainability across the settlements of the district has resulted in too high a proportion of housing being distributed to both Tadcaster and the Designated Service Villages. To enable the Core Strategy housing requirement to be sound, the LPA will need to adjust the proportions of housing attributed to ensure that the housing delivery figures for each settlement are realistic and that the objectives of the Core Strategy will be achieved.

Question 3 continued

As a consequence of the above, Hogg Builders request that the proportion of housing development by location within Selby District should be changed to the following:-

- Selby: 50%
- Sherburn-in Elmet: 20%
- Tadcaster: 5%
- Designated Service Villages: 20%
- Secondary Villages: 5%

These proportions should be reflected in the actual housing numbers table under Policy CP2.

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

**Question 4: 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?**

**4.1** Written Representations

**4.2** Attend Examination

- 4.3** 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).

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**Representation Submission Acknowledgement**

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

Signed

Dated

18th July 2012

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

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:**

6.51

**Question 1: Do you consider the Proposed Change is:**

1.1 Legally compliant  Yes  No

1.2 Sound  Yes  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:**

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 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.**

Hogg Builders considers that Policy CP3 is unsound because it is not 'effective' in delivering a mechanism for meeting identified potential housing shortfalls.

As previously discussed in our EIP representations on the Inspector's Issues 3.8 and 3.9 on Managing Housing Land Supply, Hogg Builders does not consider that the Core Strategy will deliver sufficient housing to meet identified needs. Persistent problems of under delivery of housing allocations in Tadcaster due to land ownership issues and other constraints undermines the overall housing requirement attributed to the town. As such, there is a need for the Core Strategy to have procedures in place to identify when potential shortfalls in housing delivery occur and to bring new sites forward in the event of such a shortfall.

Policy CP3 sets out remedial action for addressing a potential housing delivery shortfall through employing mediation style interventions with landowners to facilitate the delivery of allocated sites in the Site Allocations DPD. Whilst this is an acceptable approach to stalled development in some instances, scope should also be provided to allow sites which have not been previously allocated to come forward, provided they are broadly in accordance with the Spatial Development Strategy.

Policy CP3 also includes a contingency plan to allow for the delivery of an appropriate level of development in Tadcaster. Hogg Builders has concerns regarding the nature of this contingency plan, which involves trying to deliver housing within two separate phases on 'preferred sites', which may include Green Belt releases. Hogg Builders consider that if the best sites in and on the edge of Tadcaster cannot be delivered under 'Phase 1', other more sustainable sites in the district should be considered for development in advance of less sustainable sites in Tadcaster being brought forward. Furthermore, Hogg Builders do not consider that it is appropriate for consideration to be given to releasing Green Belt land, while there remain opportunities to release land in and around other settlements, such as Sherburn, which perform well in sustainability terms and remain outside of the Green Belt.

Continue overleaf

## Question 3 Continued

Hogg Builders therefore consider that for Policy CP3 to be considered sound, an effective mechanism for bringing new sites forward in the event of a shortfall in the Supply Period is required.

As a consequence of the above, Hogg Builders consider that Policy CP3 (part C) should be reworded as follows:-

C.

*Remedial action is defined as investigating the underlying causes and identifying options to facilitate delivery of housing, including allocated sites in the Site Allocations DPD by (but not limited to):*

- 1 *arbitration, negotiation and facilitation between key players in the development industry; or*
- 2 *facilitating land assembly by assisting the finding of alternative sites for existing users; or*
- 3 *identifying possible methods of establishing funding to facilitate development; or*
- 4 *identifying opportunities for the use of statutory powers such as Compulsory Purchase Orders or;*
- 5 *supporting the submission of planning applications on sites that meet the objectives of the Core Strategy and the Spatial Strategy.*

Policy CP3 Part CC should be reworded as follows:-

CC.

*In Tadcaster, due to the potential land availability constraint on delivery, the Site Allocation DPD will allocate land to accommodate the quantum of development set out in Policy CP2 in three phases as follows:*

*Phase 1: the preferred sites in/on the edge of Tadcaster [ ] will be released on adoption of the SADPD.*

*Phase 2: a range of sites in/on the edge of settlements in accordance with the hierarchy in Policy CP1 and which may require the development limits of settlements to be amended to allow for sustainable development to take place in accordance with the objectives of the Core Strategy and the Spatial Strategy. Phase 2 will only be released in the event that Phase 1 is not at least one third completed after 3 years following the release of Phase 1.*

*Phase 3: where need cannot be met on non-Green Belt land, sites in/on the edge of settlements, which may include Green Belt releases, in accordance with Policy CPXX. Phase 3 will only be released after 3 years following release of Phase 2 and only in the event that the combined delivery of Phase 1 and Phase 2 is less than 50% of the target yield.*

The above changes would result in a sound policy, which is effective in achieving its objectives.

Question 3 continued

[Empty rectangular box for question 3 continuation]

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

**Question 4: 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?**

- 4.1** Written Representations
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[Empty rectangular box for question 4.3 response]

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

Signed

[Redacted signature box]

Dated

18th July 2012