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ryan king

From: Megan Lewis [mlewis@nlppanning.com]
Sent: 13 February 2012 17:36
To: ldf
Subject: Selby DSDCS Consultation on Proposed Changes - Representations of Hogg Builders [NLP.FID165322]

Attachments: Selby DSDCS Proposed Changes Reps - 2012_Hogg Builders.pdf

Dear Sir / Madam,

Please find attached a copy of the completed representation forms for the Selby District Submission Draft Core Strategy - Consultation on Proposed Changes (January 2012) submitted on behalf of Hogg Builders (York) Ltd.

Representations are made on Proposed Change 5.26 (new Policy CP2 - Scale & Distribution of Housing) and Proposed Change 5.37 (new Policy CP3 - Managing Housing Land Supply).

Please let me know if you require any further information.

Kind regards

Megan

Megan Lewis


Senior Planner

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Nathaniel Lichfield & Partners Limited is registered in England, no. 2778116. Our registered office is at 14 Regent's Wharf, All Saints Street, London N1 9RL.

 Think of the environment. Please avoid printing this email unnecessarily.

14/02/2012

**Selby District Submission Draft Core Strategy
Consultation on Proposed Changes
January 2012
Representation Form**

**Planning and Compulsory Purchase Act (2004), Town and
Country Planning (Local Development) (England) Regulations
2004 and (Amendment) Regulations 2008 and 2009**

Part A

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

The examination has been suspended to allow the Council to address the following three topics, as set out in the Inspector's Ruling:

- (i) The strategic approach to Green Belt releases;
- (ii) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt;
- (iii) The overall scale of housing development over the plan period.

The Council is now carrying out a consultation directly with participants on the changes to the Core Strategy arising from its consideration of these three topics.

Subject to the outstanding matters above, the examination into the other "Matters and Issues" identified by the Inspector has been completed. All parties have had the opportunity to participate in the hearing sessions and the Inspector has the information necessary to enable him to prepare his report. Consequently no further evidence should be submitted to the examination at this stage; any further evidence received by the Programme Officer is likely to be returned.

When the examination resumes, hearing sessions will be arranged which will focus solely on the above matters. As already stated, the suspension should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 hearing sessions.

Representations are therefore invited as part of this consultation on the Proposed Changes to the Submission Draft Core Strategy.

Please complete separate copies of Part B of this form for each of your separate points. 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 Wednesday 15 February 2012**

Email to: ldf@selby.gov.uk

Fax to: 01757 292229

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

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.

Contact Details (only complete once)

Please provide contact details and agent details, if appointed.

Personal Details		Agents Details (if applicable)
Title	Mr	Mr
First Name	Peter	Michael
Last Name	Hill	Watts
Job Title (where relevant)		Director
Organisation	Hogg Builders (York) Limited	Nathaniel Lichfield & Partners
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County	North Yorkshire	
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Telephone No.		0161 837 6130
Email address		mwatts@nlplanning.com

You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 4 - 6) 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 4 - 6) for each representation)

Please identify the topic to which this representation refers:

- (i) The strategic approach to Green Belt releases;
- (ii) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt;
- (iii) The overall scale of housing development over the plan period.

Please state the specific Proposed Change number: **PC**

(which can be found on the Published Schedule, CD2e)

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:

(Please note you should complete separate Part B (pages 4 - 6) of this form for each test of soundness you consider 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 Proposed Change 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 Proposed Change, or provide any other comments please also use this box to set out your comments:

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 increase in the housing requirement figure from 440 dwellings per annum to 450 dwellings per annum is 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 and the agreed figure should not be treated as a maximum, which would prevent additional, sustainable housing development from coming forward during the plan period.

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.

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 revised housing distribution figures in Policy CP2 decrease the proportion of housing allocated to Tadcaster by 2% (from 9% to 7%). This figure more accurately reflects housing needs as identified by the SHMA. However, the figure still fails to 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). Although the minimum requirement from 2011 to 2027 has been reduced from 650 dwellings to 500 dwellings in the revised Policy CP2, this still 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 the revised 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 the revised 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.

Sherburn-in-Elmet

The revised housing distribution figures in Policy CP2 increase the proportion of housing allocated to Sherburn-in-Elmet by 2% (from 9% to 11%). This figure more accurately 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 4: Please provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy 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.

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.

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).

(If you are submitting this form as a hard copy please ensure all text is visible and continue on a separate sheet if necessary)

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 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

Dated

12/02/12

Part B (please use a separate sheet (pages 4 - 6) for each representation)

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- 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 Proposed Change 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 Proposed Change, or provide any other comments please also use this box to set out your comments:

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

As previously discussed in our 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.

Revised 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.

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.

Question 4: Please provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy 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.

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

Policy CP3 Managing Housing Land Supply (Part 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.*

This change would result in a sound policy, which is effective in achieving its objectives.

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

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Dated

12/02/12