

# 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](mailto: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.

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**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="CP1"/>	Paragraph No.	<input type="text"/>
Map No.	<input type="text"/>	Figure No.	<input type="text"/>	Other	<input type="text"/>

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**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.

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

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**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 attached.

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

**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 italic text in the attached.

(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](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).

To enable a full discussion to be held on the matters in the attached representation.

#### **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**

**Dated**

21/02/2011

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**Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

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

Section No.	<input type="text"/>	Policy No.	<input type="text" value="CP2"/>	Paragraph No.	<input type="text"/>
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

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**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)

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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.**

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**Signed**

**Dated**

21/02/2011



# **Representation to the Selby Submission Draft Core Strategy**

**Submitted on Behalf of South Milford Parish Council  
By Directions Planning Consultancy**

**21 February 2011**

Prepared By:  
Kathryn Jukes  
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**Directions**  
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## Objection to Policy CP1 Spatial Development Strategy

### **Reason Three: It is not clear if the Core Strategy can be implemented in accordance with National Policy**

Policy CP1 is considered to be unsound because it does not set out how it will look to protect the Green Belt in realising development needs. Whilst the Policy mentions other constraints, it provides no indication of the approach which will be taken to land currently designated Green Belt.

*For Policy CP1 to be found sound, it should set out where land currently designated Green Belt features in the sequential approach set out under CP1B. Particularly with regard to the release of greenfield sites through the SADPD to meet development needs. This could be achieved by adding in a paragraph following on from the sequential approach and before the paragraph about flood risk which states “The sequential approach will look to protect the Green Belt. Only when all appropriate land not in the Green Belt has been allocated for development across all villages will a Green Belt review be considered.”*

In terms of the sequential approach, there is no indication of whether greenfield sites within development limits or on the edge of settlements in the open countryside will be released before greenfield sites, or indeed brownfield sites, within the Green Belt. Clearly, in accordance with PPS2, it is appropriate to release suitable land not in the Green Belt before land currently in the Green Belt is released. However, this approach is not explicit and instead it appears that all greenfield sites being considered for allocation through the SADPD are equal. This is clearly not the case given Green Belt is a policy constraint, which should be taken into account in the sequential approach.

Paragraph 4.39 basically suggests that Green Belt will be released where there is need for development. If a Green Belt review is required in order to meet development needs over the lifetime of the Core Strategy then it is necessary to set out the approach for undertaking such a review. Without setting out the approach then the Core Strategy is not clear as to how it will protect the existing Green Belt in accordance with PPS2. This places the Green Belt under threat.

## Objections to Policy CP2 The Scale and Distribution of Housing

### **Reason One: The Core Strategy has not been fully justified as the evidence suggests a different strategy is more appropriate**

Policy CP2 is considered to be unsound as it will result in too great a proportion of development in the designated service villages and not enough in Sherburn in Elmet and Tadcaster. This is clear from the distribution for development explained under Policy CP2. It is therefore considered that Policy CP2 conflicts with strategy approach set out under Policy CP1 and other parts of the Core Strategy.

*Policy CP2 should be amended to provide for a greater proportion of development in Sherburn in Elmet and Tadcaster, and a reduced number of allocations in the designated service villages. This will correct the current unsound situation by ensuring development is directed to the most sustainable locations and encourages more self-containment.*

*In addition, the Policy needs to be more explicit about what mechanisms will be put in place to ensure the amount of development in settlements to be identified through the SADPD process are appropriate, and conform with the Core Strategy approach to distribution is achieved in terms of both the release of allocated sites and the overall level of development. This will ensure the Core Strategy is more effective than at present.*

The Core Strategy approach set out under Policy CP1 is intended to direct development to Selby and its surrounding villages, Shelburn in Elmet and Tadcaster. This is because these are considered to be the most sustainable settlements in terms of discouraging out commuting (as evidenced in the Travel to Work Pattern Background Paper) and given the range of facilities and services already available. Despite this, the proportion of development to be distributed across settlements in the District can clearly be seen not to follow this approach. Instead, a greater proportion of development will result in those designated service villages that suffer from high levels of out-commuting and that are located in the least sustainable parts of the District. Policy CP2 should be amended to ensure this does not take place by fully explaining what measures will be put in place to ensure allocations are made in accordance with Policy CP1 in preparing the Allocations DPD.

Policies CP1 and CP2 explain that the largest proportion of development is expected to take place in Selby, and this is supported as the correct strategy in accordance with Regional Spatial Strategy. It is the proportion of development suggested in Policy CP2 to be located in Sherburn in Elmet and Tadcaster and also the designated service villages of Barby/Osgodby, Brayton and Thorpe Willoughby which is objected to. The objection is on the basis that the proportions provisionally designated in CP2 for these settlements are not great enough to promote sustainable development. Furthermore, the proportion of development given to Sherburn in Elmet and Tadcaster is less than the proportion given to the designated service and secondary villages, despite CP1 suggesting these two settlements should receive a greater proportion.

Figure 7 sets out the Distribution for development, which quite clearly shows that less development will be located in Sherburn in Elmet and Tadcaster than the designated service villages. This clearly conflicts with the strategy set out in the rest of the document. It also does not make the most of the opportunity to direct development to the parts of the District which are more sustainable than others, such as the villages around Selby.

In terms of the role of Barlby/Osgodby, Brayton and Thorpe Willoughby, these villages are identified as being part of the District which is self-contained and where out-commuting is less of an issue. These villages are viewed as being more sustainable than other designated service villages in the District. In addition, these villages are recognised in Policy CP1 to have a role in supporting the growth of Selby. However, the potential to elevate the role of these villages and for a greater proportion of development to be allocated to these villages over other designated service villages is not recognised in Policy CP2. This is a failing in both assessing appropriate alternatives and also in developing a strategy which is consistent in its approach and that also promotes sustainable patterns of development.

The evidence and the strategy of Policy CP1 explains that the “villages of Barlby, Brayton and Thorpe Willoughby are particularly sustainably located with excellent access to the employment and services within Selby itself. Growth in these villages will complement the focus on Selby in the spatial development strategy.” The greater proportion of development should therefore be located in these designated service villages and recognised in Policy CP2.

**Reason Two: The Core Strategy will not be effective as it has not been fully demonstrated that it can be delivered**

Policy CP2 is also considered to be unsound because it cannot be delivered, and the Council’s evidence suggests as such.

*For the policy to be found sound, further work needs to be undertaken to understand whether the proposed distribution in the Policy can be delivered through the SADPD or whether constraints on development are such that the distribution is in fact unachievable. This includes completing an Infrastructure Delivery Plan in accordance with PPS12.*

The Core Strategy sets out in paragraph 5.20 that about 25 per cent of houses will be located in designated service villages, yet the percentages of development to be provided on allocated sites is 32 per cent. In addition, the distribution being considered in the SADPD has been inflated again by comparison, being in the region of 34 per cent. It therefore appears that the Site Allocations DPD will not be able to deliver development in conformity with Policy CP2 in the Core Strategy. This suggests the Core Strategy is not sound because it cannot be delivered in accordance with the details of Policy CP2.

In addition, there is also the matter of whether the cumulative requirements of the Core Strategy are so great that development will be unviable. Whilst it appears that the requirements of each policy have been assessed, there appears to be no Sustainability Appraisal for the cumulative impact of the Core Strategy, particularly in relation to development.

For example, the affordable housing requirement has been based on housing need, but the final target has not then taken into account other requirements on development such as the need to provide infrastructure or planning obligation requirements. As the cumulative impact has not been assessed then there is no clear idea whether the level of distribution of development set out in policy can be delivered, or if development will be unviable. There is also no indication of how the Core Strategy might prioritise the various

policy requirements against each other or whether the need for development will be prioritised over and above the needs of existing communities.

Part of this assessment should have been undertaken as part of preparing the Infrastructure Delivery Plan, but it appears that the IDP has not been prepared in accordance with national planning policy, and instead the Council suggests it will be prepared alongside the Site Allocations DPD. This is of concern as it provides no certainty to communities of what development might take place within their communities or what benefits they might see as a result of development.

### **Reason Three: The Core Strategy has not been prepared in accordance with National Policy**

An appropriate Infrastructure Delivery Plan has not been prepared in accordance with PPS12, which means there is no clear idea whether the housing requirement set out in Policy CP2 can be delivered.

*In order for the Core Strategy to be found sound, an appropriate IDP should be undertaken in accordance with the requirements set out in PPS12 for such assessments, particularly focusing on the current gaps in information relating to costs and phasing.*

PPS12 sets out in paragraph 4.8 that “The core strategy should be supported by evidence of what physical, social and green infrastructure is needed to enable the amount of development proposed for the area, taking account of its type and distribution. This evidence should cover who will provide the infrastructure and when it will be provided. The core strategy should draw on and in parallel influence any strategies and investment plans of the local authority and other organisations.”

Paragraph 4.9 goes on to state “Good infrastructure planning considers the infrastructure required to support development, costs, sources of funding, timescales for delivery and gaps in funding. This allows for the identified infrastructure to be prioritised in discussions with key local partners...The infrastructure planning process should identify, as far as possible:

- Infrastructure needs and costs;
- phasing of development;
- funding sources; and
- responsibilities for delivery.”

PPS12 clearly requires an IDP to be prepared alongside the Core Strategy. Although the Council has started to prepare an outline of one, it does not provide the breadth or detail of information that might be expected in order to provide an appropriate assessment. This means that the Council has no clear idea of what the impact will be on development of any financial requirements mentioned in the Core Strategy, and whether the costs will be such that development will be unviable and therefore undeliverable. This may in turn lead to pressure on certain settlements to deliver more development where there is less financial burden, or it may result in communities not benefiting from planning obligations that might otherwise be expected due to infrastructure costs.

It is accepted that PPS12 suggests that an IDP should “as far as possible” include details of costs, need, phasing, funding sources and responsibilities, which may mean the IDP

cannot provide figures to the nearest pound. However, the IDP which has been put forward is seriously lacking, as not only does it not provide even an indication of costs, but it also does not provide details of phasing. The Core Strategy provides some idea of how development might be phased therefore it is not unreasonable for the IDP to provide that same detail. In addition, there are ample examples around of comprehensive IDPs that have been prepared to accompany Core Strategies. It is therefore not clear why Selby has not been able to do the same, especially when it is a requirement of national policy.