

# 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"/>	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

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 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.)

- (Please identify just one test for this representation)
- 2.1 Justified
  - 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.**

See separate attached comments

(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.

(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).*

**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 February 2011

**SELBY DISTRICT  
SUBMISSION DRAFT CORE STRATEGY  
CONSULTATION RESPONSE  
FEBRUARY 2011**

**1.0 INTRODUCTION**

1.1 The following response is made on behalf of P Swales of Fairburn and relates in the main to residential development matters. The Core Strategy should seek a balanced approach to the growth of Selby with appropriate amounts of development in sustainable locations. The main theme of the following policy response has this ultimate aim in mind. Our comments are made having reviewed all available information sources and where necessary include specific objections where we consider the text or policy to be unsound.

1.2 This considered response has been made with regard to the tests of soundness in PPS12, which are explained at paragraph 4.52 of PPS12:

To be “sound” a Core Strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

“Justified” means that the document must be:

- Founded on a robust and credible evidence base
- The most appropriate strategy when considered against the reasonable alternatives

“Effective” means that the document must be:

- Deliverable
- Flexible
- Able to be monitored.

**The Status of RSS and the Implications of the Localism Bill**

1.3 We agree and welcome the statement inserted at the start of the document relating to the RSS status. We do however recognise that we need to move forward with a new evidence base given the RSS was essentially 2003 ONS based. It is important this Core

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Strategy considers more recent ONS data and where necessary provide flexibility to recognise that housing requirements in the District have altered.

**General overview response**

**“Effectiveness”**

1.4 We consider the Selby Core Strategy to be **unsound** as it has not been established that it is ‘effective’. This relates to two areas of the Core Strategy.

1. The cumulative impact of the Core Strategy and its requirements have not been assessed. The Sustainability Appraisal has been undertaken for each policy but has not then been applied to the whole document, particularly in relation to requirements on development. There is therefore no proof that the Core Strategy can be delivered as a whole. For example, the 40% affordable housing requirement has only taken into account housing need and there is no evidence that the requirement was arrived at with consideration of other financial burdens on development for example those listed in the Infrastructure Delivery Plan.
2. The Infrastructure Delivery Plan has not been undertaken in accordance with PPS12. Paragraph 4.8 and 4.9 of PPS12 states:

“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.

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;

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Funding sources; and  
Responsibilities for delivery.”

1.5 The Infrastructure Delivery Plan is lacking in detail, such as costs, phasing and timescales. As a result the Council is not informed in terms 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.

1.6 In terms of the Olympia Park Strategic Development Site, the Infrastructure Delivery Plan includes so little detail that it provides no real steer to the developer of whether the requirements can be delivered and what might need to be provided before development commences, before units are occupied or in the way of maintenance payments.

## **2.0 Section 1 - Introduction**

2.1 Paragraph 1.23 should refer to the intended abolition of the RSS rather than reference to the revocation of the RSS.

2.2 We welcome in paragraph 1.23 that if necessary the Council will undertake a partial review once details of the new planning system are available but we request more flexibility now.

## **3.0 Section 2 – Key Issues and Challenges**

3.1 Changes need to be made to Map 1 – Regional Context. The A1(M) needs to be shown in Blue to reflect the strategic significance and influence on the western part of the district.

3.2 Paragraph 2.40 and 2.41. We do not fully agree with the ‘concentration’ of growth in the Selby ‘Area’ as the most sustainable approach. We have severe reservations over the manner in which parts of this Core Strategy appear to promote development in the villages in close proximity to Selby Town while other areas of the text appear to suggest development restraint.

3.3 Paragraph 2.42 – Affordable Housing. The figure of the need for 400 affordable dwellings per annum does not sit comfortably with the intention to provide only 440 dwellings per

annum. We object to the reference to balance the significant affordable housing need against the background of a weak housing market. To what extent is Selby District a “weak housing market.” You can’t have a weak market and a strong need for affordable housing. The weakness is temporary and is not a matter for the Core Strategy. Selby is overall a strong housing market.

#### **4.0 Section 3 – Vision, Aims and Objectives**

4.1 Reference at paragraph 3.2 to the Core Strategy provides a spatial strategy for future development over at least the next 15 years. Paragraph 3.2 should be amended to **at least 20 years to have regard to the need to amend the Green Belt boundaries and provide additional safeguarded land.**

4.2 We generally support the 17 objectives at paragraph 3.5 but do not support certain aspects of actual policy or text where they do not comfortably align with these objectives.

#### **5.0 Section 4 – Spatial Development Strategy**

5.1 We request that paragraph 4.3 be re-written to reference the transition from RSS to a Leeds City Region sub-area policy approach. Reference should be made to retaining the RSS housing numbers as a stop gap but also to build in flexibility should housing numbers on a new sub-regional strategy be higher to reflect the most recent ONS forecasts, circa 600 dwellings per annum.

5.2 We support the Selby Town approach of the Selby spatial development strategy as outlined in paragraphs 4.15 – 4.16. We object to the suggestion that villages in close proximity to Selby Town are more sustainable as a result of their proximity. Development focus in these smaller settlements could undermine the main aims of regenerating Selby Town.

5.3 Paragraph 4.31 should reference social issues as well as sustainability issues. This approach would accord with PPS3 paragraph 67 where the management of PDL targets is not at the expense of jeopardising overall housing delivery.

5.4 We object at paragraph 4.33 to the overall practical target of 40% of new dwellings on previously developed land between 2004 and 2017. The target should be fixed for the



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- duration of the plan period and not just up to 2017. The reference in paragraph 4.33 to further details on the PDL target in Appendix 1 is unnecessary and confusing and should be removed. There is no reasonable explanation as to why from 2017 there is insufficient information to provide a target beyond 2017, certainly there is no text to inform the data up to 2017 is any more accurate. It is not clear what the meaningful information there is to enable the Council to make a PDL target up to 2017.
- 5.5 Paragraph 4.39 refers to localised Green Belt reviews. While this is generally welcomed, we would not expect to see widespread Green Belt revisions. There is a need for only minor changes to the Green Belt in key villages where no safeguarded land exists or where land does not meet Green Belt criteria. We would not expect any revisions in lower order settlements. Fairburn is a Designated Service Village with a high level of local provision and good access to jobs. In order to provide for a reasonable level growth, Fairburn is one of only a limited number of locations that can justify a case to modify the Green Belt boundary.
- Policy CP1 – Spatial Development Strategy**
- 5.6 Reference to Barbly/Osgodby, Brayton and Thorpe Willoughby having residential and employment growth to complement growth in Selby is unnecessary and not required in the bold text this policy (CP1A point a) bullet point 3) insert appears to run contrary to the focus on Selby town.
- 5.7 We object to the reference to 'exception sites' in CP1A point b) and recommend that instead it is stated there should be no major allocations in secondary villages. Small scale allocations (up to 10 dwellings) would be appropriate to meet local needs and would include an appropriate mix of market and affordable housing. This approach would be akin to the Harrogate Rural areas DPD.
- 5.8 The sequential approach in CP1B is an old-style PPG3 sequential based approach which is no longer contained in PPS3. The 'brownfield first' attitude takes no account of accessibility criteria e.g. proximity to services where greenfield urban extensions may have better access to local services than brownfield locations.
- 5.9 As already mentioned in relation to paragraph 4.33, we object to CP1C that relates to a target of 40% of housing development on previously developed land between 2004 and

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2017. The target percentage requirement should run for the entire duration of the plan period.

**6.0 Section 5 – Creating Sustainable Communities**

- 6.1 The context to the scale and distribution of housing section (paragraph 5.4) needs rewording to factor in the transition period following the abolition of the RSS. The housing requirement needs to also recognise the latest ONS data which is now circa 600 households per annum and therefore flexibility needs to be built in to the housing requirement. Indeed the SHMA informs annual housing demand in the Selby District to be 1,119 (para 5.21). This Core Strategy needs to reference these higher numbers as part of the evidence base to set the proposed target within the context of overall housing need.
- 6.2 We agree with the point made in paragraph 5.9 of the need to balance the housing growth in lower order settlements while capitalising on the infrastructure and services available in the main town, Selby.
- 6.3 We object to reference at paragraph 5.11 that approximately half of new housing will be located within or adjacent to Selby. The proportion of 48% to Selby Town lacks any suitable delivery plan. The reliance on smaller adjacent settlements is likely to undermine the Selby Town focus. Also, Figure 7 places a heavy reliance on Selby yet paragraph 5.15 informs of highway and flooding constraints. There is no evidence to inform Selby Town will benefit from employment growth to match the same rate of intended housing ground. From the evidence provided, it would appear the 48% reliance on Selby Town may be unjustified.
- 6.4 The reference to preventing coalescence of Selby with surrounding villages, particularly Brayton at paragraph 5.15 is welcomed but at odds with other text in the draft Core Strategy (Policy CP1 – A a)).
- 6.5 Paragraph 5.22 – localised review of Green Belt. The text should be revised and reference should be made to a longer term 20 year Green Belt boundary. Green Belt revisions should be restricted to higher order settlements (Local Service Centres and Designated Service Villages) and only then when there is no safeguarded land available.

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6.6 We object to the reference at paragraph 5.25 to the sequential priorities listed in Policy CP1 and refer to our earlier comments made in relation to Policy CP1.

6.7 We recommend the plan period is extended to 2031 to cover a 20 year period from anticipated adoption. Allocating land to cover a 20 year period would allow for an appropriate revision of Green Belt boundary and also build in sufficient flexibility to cater for a higher housing requirement if necessary.

**Policy CP2 – The Scale and Distribution of Housing**

6.8 We object to the provision of 440 dwellings per annum without building in additional flexibility. We also suggest that the plan period is extended to 2031.

**Policy CP3 – Managing Housing Land Supply**

6.9 We **object to policy CP3**. The policy text refers to the aim to encourage the annual provision of housing “broadly in line with the housing trajectory”. The policy needs to clarify that the annual requirement will set the target, not the modified trajectory. In its current form CP3 is ineffective.

6.10 The trigger point referred to in CP3A needs further explanation. By how much would the delivery performance have to ‘fall short’ by to trigger the requirement for remedial action? This needs explaining.

**Policy CP4 – Housing Mix**

6.11 Paragraph 5.63 refers to SHMA results, but fails to mention paragraph 5.21 of SHMA which indicates that there is an overall annual requirement for 1,119 dwellings of which 710 (63.4%) is for market housing and 409 (36.6%) is for affordable housing.

6.12 We welcome reference in paragraph 5.64 to all areas requiring more family housing in 2, 3, and 4 bed houses. This is re-iterated in paragraph 5.69. However, it fails to reflect the full requirement of the SHMA which also requires a proportion of smaller dwellings, particularly in the affordable housing category (SHMA para 5.25 and 5.26).

6.13 Paragraph 5.67 refers to “additional evidence from responses to consultation on the Draft Core Strategy” which highlight the need for a good mix and balance of all types of housing. This specific “additional evidence” should be properly referenced. We are concerned at the cost implications relating to the specific design of new homes to

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accommodate disability needs and visitors and carers. Reference to cost should be made in this regard.

**Policy CP5 - Affordable Housing**

- 6.14 **OBJECT** – We strongly object to the 40% maximum affordable housing provision. While we do not question that a need for affordable housing exists, the policy as proposed is unworkable in the short and medium term and possibly so even in the long term.
- 6.15 Our main objection to the Council's approach to adopting an aspirational target is that it arises from a combination of events outlined under the sub-heading of 'height of the market' in the DTZ report (Scenario 5, pg 37) which can never be repeated. As such, adopting a 40% policy based upon: reducing build costs by £10 psf; building to no higher than Code Level 3 in the long term; increasing sales values by 20%; doubling delivery rates while restricting the build target to 440 dwellings p.a.; and fixing S106 at baseline conditions of £2,000 per unit while having no regard to CIL – these are single events that for a variety of cost and regulatory reasons will never in combination be repeated. As such, the 40% target is a **flawed** assumption, it is **unjustified and therefore unsound**.
- 6.16 Paragraph 5.73 should be expanded to explain that the SHMA conclusion that the annual affordable requirement is 409 dwellings, equates to 36.6% of total housing requirement.
- 6.17 Paragraphs 5.77 – 5.79 refer to the viability of affordable housing provision and the variations in viability in different parts of the District. Clearly the Economic Viability Study revealed such findings, yet it does not appear to have been considered in Policy CP5. Why set a target for the District more applicable to the rural areas when the Economic Viability Study highlights the variations between the rural areas in the north and north-western parts and the south-east part of the District. There is a clear steer in Table D4 of the SHMA (page 140) as to how both Selby and Sherburn rank 1 and 2 in terms of affordability yet the blanket 40% requirement has no regard to differing levels of affordability across market areas. Attaching a 40% requirement to Selby and Sherburn will harm the delivery of housing in these key sustainable locations.
- 6.18 If 409 affordable dwellings per year equates to 36.6% of the total housing requirement, as established by the SHMA, the overall target house building rate of 440 dwellings per annum is too low and should be increased to allow any chance of 409 affordable units a

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- year being delivered. We have commented upon the Affordable Housing SPD separately, it lacks the necessary flexibility required to deliver higher amounts of affordable housing.
- 6.19 We do not consider the Council have taken a pragmatic approach to affordable housing provision as suggested in paragraph 5.86. 40% is not a pragmatic approach. A 40% requirement may have been found to be viable in exceptionally high market conditions, but those market conditions do not exist now. The 40% proposal flies in the face of common sense and the Council's own evidence base.
- 6.20 Paragraph 5.90 should be re-worded to state:
- “In exceptional circumstances commuted sums may be acceptable on sites of 10 dwellings or more where there are clear benefits in relocating all or part of the affordable dwellings.”
- 6.21 As well as objecting to the maximum 40% affordable housing we object to the proposed tenure split of 40% intermediate housing and 60% social renting (paragraph 5.93). This does not provide for mixed and balanced developments and a mix of 50:50 would be more appropriate. The suggested 40:60 split in this paragraph is not consistent with the wording in Policy CP5 D, which states that the tenure split will be based on the Council's latest evidence on local need. There is a significant under-representation of intermediate tenure types in the District as informed by the SHMA. Figure 4.1 of the SHMA informs less than 1% of stock is intermediate. While there exists a preference towards Social Rented affordable property, Table D18 and paragraph D.56 (SHMA page 154) demonstrates 52.1% of those can take an equity stake in intermediate tenure. When combined, these two key pieces of the evidence base inform a **tenure split of 50:50 would be appropriate**.
- 6.22 The last sentence of paragraph 5.94 should be changed to – “Reductions **will** be negotiated when developers demonstrate these target requirements are not viable.”
- 6.23 There is no evidence to show how a 40/60% affordable/general market housing ratio within overall housing developer would be achieved (Policy CP5 A). There is no RSL Council Housing delivery trajectory to support the Core Strategy.

**Rural Housing Exception Sites**

- 6.24 We object to the inclusion of a rural housing exception sites policy within the Core Strategy. Selby District is not rural enough to warrant such a policy. The majority of settlements within the district are below 3,000 population, but are not all rural in nature. The policy would therefore apply to most settlements in the district and is therefore meaningless. We recommend the Allocations DPD address this matter via small allocations in lower order settlements.

**Access to Services, Community Facilities and Infrastructure**

- 6.25 Paragraph 5.126 lists the types of infrastructure likely to be included in the Infrastructure Delivery Plan. We object to a number of items on this list, as they do not appear in the CIL Regulations (November 2010). The CIL Regulations states that Infrastructure includes:

- a. roads and other transport facilities,
- b. flood defences,
- c. schools and other educational facilities,
- d. medical facilities,
- e. sporting and recreational facilities, and
- f. open spaces.

- 6.26 The list at paragraph 5.126 should be amended in line with the CIL Regulations.