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Adamson House, Towers Business Park  
Wilmslow Road, Didsbury, Manchester M20 2YY  
Tel: 0161 955 4770 Fax: 0161 955 4275  
www.cunnanetownplanning.co.uk

LDF Team  
Development Policy  
Selby District Council  
Civic Centre  
Portholme Road  
Selby  
YO8 4SB

*By Email and Post*  
21 February 2011

**RE: SELBY DISTRICT SUBMISSION DRAFT CORE STRATEGY PUBLICATION  
VERSION JANUARY 2011 – REPRESENTATION FORM**

Please see the enclosed representations regarding the above consultation. We have utilised the Council's representation form and used a new form for each issue. However, we do not believe that the use of a separate form per test of soundness, per issue gives the correct level of clarity to our submissions.

Yours sincerely

Vincent Ryan  
CUNNANE TOWN PLANNING LLP  
vincent.ryan@cunnanetownplanning.co.uk

**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.

Personal Details	Agents Details (if applicable)
Title	Mr
First Name	Vincent
Last Name	Ryan
Job Title (where relevant)	Regional Director
Organisation Samuel Smith Old Brewery (Tadcaster)	Cunnane Town Planning LLP
Address Line 1	Adamson House Towers Business Park
Address Line 2	Wilmslow Road Didsbury
Address Line 3	Manchester
County	Lancashire
Postcode	M20 2YY
Telephone No.	0161 955 4770
Email address	vincent.ryan@cunnanetownplanning.co.uk

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
					Page Titled: <i>The status of RSS and the implications of the Localism Bill</i>

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

The thrust of this opening informative is to explain the Council's chosen position in relation to the adopted Regional Spatial Strategy (The Yorkshire and Humber Plan) (RSS). In acknowledgement of the intended revocation of the RSS the Council has stated that it is relying on the evidence base of the RSS in formulating the Core Strategy policies, as opposed to reviewing the evidence base to reflect the fact that the regional tier of planning guidance will cease to exist. The Council also claim that the Core Strategy is compliant with RSS.

First and foremost, the RSS evidence base was found to be sound in relation to how it justified RSS policy, consequently if the Council is to rely fully and only on the RSS evidence base, the policies of the Core Strategy should not deviate from those within the RSS. This is particularly important for housing and employment growth. It is our strong view that the policies of the Core Strategy are not consistent with the policies of the RSS and therefore its evidence base. On this basis the overall approach of the Core Strategy in relation to the RSS and its evidence base is unsound.

Secondly, as a result of the fact that the RSS evidence base was formulated in the regional context, it is wrong to apply this evidence base to what are effectively only now local policy considerations (with the revocation of the RSS). The Council should be undertaking a full review of its strategic targets for growth taking into account only local considerations. It has not done this and consequently the Core Strategy policies are unsound. This is because, firstly, they are not justified. Paragraph 4.37 of PPS12 states that 'evidence gathered should be proportionate to the job being undertaken by the plan, relevant to the place in question and as up to date as practical having regard to what may have changed since the evidence was collected' (our emphasis). In addition the Core Strategy does not demonstrate that the plan and its evidence base is the most appropriate having evaluated reasonable alternatives; there is no proper or thorough evaluation of the alternative to relying on the RSS evidence base as required by paragraph 4.38 of PPS12. Secondly, the Core Strategy policies are unsound because they are not effective. In order to be effective the plan must be deliverable and flexible and a plan which takes evidence from the RSS and then applies it in policies which have no consistency with the RSS gives no confidence that the policies are deliverable. In terms of flexibility the foreseen revocation of RSS clearly provides an opportunity for the Core Strategy to be more flexible to accommodate local circumstances; by rigidly following out of date, cherry picked RSS targets, because this appears the easiest option at the time, there is no flexibility.

The Council correctly state that adoption of the Core Strategy will most likely come after enactment of the Localism Bill, this being reason for removing all reference to the RSS within the plan document. On this basis the Council would be entirely justified in having no regard to the RSS evidence base whatsoever due to the fact that the DPD is intended to be adopted, and guide development, after the intended revocation. There is no evidence, however, that such an option has been fully and properly assessed by the Council.

The Courts have held that the Government's intention to revoke RSS can be a material consideration and the DPD should recognise in terms the advent of localism and the fact that is it a material consideration pending the Bill becoming law in accordance with the decision of Mr Justice Lindblom in the Cala Homes case.

In the face RSS revocation we firmly believe that the Council should have sought the views of the community on the options available for the most appropriate strategy. The Council did not do this, therefore the Strategy is arguably unsound.

Finally, as a point of clarity, the Council's reference to the Core Strategy being compliant with RSS by virtue of acknowledgement from the Local Government for Yorkshire and The Humber, is not factually correct and is misleading. The Core Strategy as now presented is substantially different to that upon which the Local Government for Yorkshire and The Humber commented, particularly concerning policies CP1 and CP1A which contain entirely new and influential elements; such as the promotion of growth in unsustainable locations and support of development on Greenfield land. This statement is therefore not justified.

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**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 precise as possible.**

We consider the most appropriate approach to the Strategy, in order to make it sound, is to remove its reliance on the RSS evidence base. It is unsound to base the Core Strategy, especially in relation to its housing land requirements, for the next fifteen years on a plan that is unlikely to exist after the enactment of the Localism Bill. In order to produce a sound Core Strategy, the Council should start afresh and prepare an evidence base for the next fifteen years drawing from local needs, as required by the Localism Bill, and not out of date regional targets.

Alternatively in order for a Strategy based on the RSS to be sound, it must be fully in line with the evidence base and policies of the RSS. To do this, the Strategy's approach to growth should be based on development, particularly housing development, at a level which meets only local needs.

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**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.

Having regard to the advice for Inspectors dated 8<sup>th</sup> February 2011 'Regional Strategies – Impact of CALA Homes Litigation', the fundamental points set out above will clearly be the subject of detailed examination at the relevant hearing sessions. On this basis these representations cannot be considered by written representations only.

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
				1.18 – 1.20	

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

The Interim Housing Policy (2010) (IHP) consultation was neither:

- a) supported by an assessment of alternative options;
- b) subject to sustainability appraisal; or
- c) supported by an evidence base.

The consultation document stated that the purpose of the IHP was to be as an interim policy prior to adoption of the Core Strategy. Notwithstanding this, the Council has relied upon the consultation responses to the IHP and has made amendments to the draft Core Strategy. By virtue of the failings of the consultation, as summarised in a) – c) above, it cannot be said that the IHP consultation amounted to an effective consultation into the Core Strategy.

Paragraph 1.20 purports that the balance of responses to the consultation was generally in favour of the proposed interim policy; this is clearly incorrect and misleading. Paragraph 1.19 states that 43% of respondents were generally supportive. However, the Council has not released details of the responses to the IHP consultation and as a result it is not possible to confirm whether or not this is an accurate description of the comments received. Furthermore, the responses received were on the basis of the IHP being precisely that; an interim policy *prior* to the adoption of the Core Strategy. Notwithstanding this, as a result of

the shortcomings of the consultation documents, or lack of an evidence base, those who did chose to respond were not doing so in a fully informed fashion, nor did they believe they were commenting on a proposed Core Strategy policy.

If the Council are insistent on making a reference to their failed attempt to introduce the IHP, then it is only right that they provide the reasons for its failings. The reasons for its failed introduction have never been placed in the public domain and an explanation is paramount to understanding the value of the consultation exercise in the context of the Core Strategy.

As a consequence of the above, reliance on the IHP consultation exercise, and the comments relating to it within these paragraphs, is unsound because it is not justified, by virtue of a lack of evidence and lack of alternatives, it is not effective, because there is no evidence that delivery partners signed up to it, and it is not in accordance with national policy in the form of PPS12.

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**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 precise as possible.

In order for the DPD to be sound paragraphs 1.18 – 1.20 should be deleted alongside any further reference to the IHP or their context properly explained.

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**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.

Attendance at examination is necessary in order to hear, understand and comment upon the Council's explanation of the IHP consultation process.



**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
				2.24	

**Question 1: Do you consider the DPD is:**

- |     |                   |     |                          |    |                                     |
|-----|-------------------|-----|--------------------------|----|-------------------------------------|
| 1.1 | Legally compliant | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            |
| 1.2 | Sound             | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

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

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

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

- |     |                                 |                                     |
|-----|---------------------------------|-------------------------------------|
| 2.1 | Justified                       | <input checked="" type="checkbox"/> |
| 2.2 | Effective                       | <input type="checkbox"/>            |
| 2.3 | Consistent with national policy | <input type="checkbox"/>            |

(Please identify just one test for this representation)

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

In the Core Strategy's District portrait relating specifically to the town of Tadcaster it implies, in paragraph 2.24, that the conservation led approach to development has directly resulted in an under-performing town centre. This statement is not supported by any evidence. The Council has granted planning permission for a comprehensive regeneration scheme for the town centre. Whilst this scheme has been technically implemented its key physical and economic elements are being precluded from coming forward due to ongoing negotiations between the principle parties. The regeneration scheme is fully in accordance with a conservation led approach to the town's rejuvenation and it is the Council's failure to assist in facilitating the scheme which has halted the town centre's economic growth. It is therefore wrong to say, as paragraph 2.24 does, that a simple lack of development has led to the town centre's under performance.

Paragraph 2.24 is therefore unsound because it is not justified, due to a lack of credible evidence to support its claims, or effective, because the key delivery partners for bringing about the regeneration of the town do not sign up to this proposition.

**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 precise as possible.

In order for paragraph 2.24 to be sound it must acknowledge that a conservation led approach to the town regeneration is capable of ensuring the future health of the town.

**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.

N/A

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
				4.10	

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

Paragraph 4.10 states: ‘As a result 22 villages which are considered capable of accommodating additional limited growth have been identified as ‘Designated Service Villages’. These are the villages with the largest populations and best range of services. They are spread across the District and provide the main village locations for job opportunities and for increasing the availability of affordable housing to meet identified local demand. In addition their continued growth will help to support and enhance a strong network of services serving surrounding areas.’

Included within the list of 22 villages designated is the village of Appleton Roebuck. Of the 29 villages assessed within background paper 5, Appleton Roebuck is shown to have the second lowest population, as having among the lowest level of local services, as having poor accessibility and as being of the lowest relative sustainability. On this basis, paragraph 4.10, as quoted above, is factually incorrect, misleading and not founded on a robust and credible evidence base. On this basis the text of paragraph 4.10 is unsound.

**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 precise as possible.

In order for the DPD to be sound Appleton Roebuck should be deleted as a Designated Service Village.

**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.

These comments are linked to more detailed representations that we are making in connection with policy CP1 where oral examination of the issues involved is considered essential.

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
				4.39	

**Question 1: Do you consider the DPD is:**

- |     |                   |     |                          |    |                                     |
|-----|-------------------|-----|--------------------------|----|-------------------------------------|
| 1.1 | Legally compliant | Yes | <input type="checkbox"/> | No | <input type="checkbox"/>            |
| 1.2 | Sound             | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

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

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

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

- |     |                                 |                                     |
|-----|---------------------------------|-------------------------------------|
| 2.1 | Justified                       | <input type="checkbox"/>            |
| 2.2 | Effective                       | <input type="checkbox"/>            |
| 2.3 | Consistent with national policy | <input checked="" type="checkbox"/> |

(Please identify just one test for this representation)

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

Paragraph 4.39 of the Core Strategy does not sufficiently reflect the advice of paragraphs 2.6 and 2.7 of PPG2, which clearly state that detailed Green Belt boundaries, defined by earlier approved development plans, should be altered *only exceptionally* and *where exceptional circumstances exist*. The text simply states that consideration will be given to undertaking local reviews where such reviews will involve a balanced assessment. We do not believe the text is strong enough to ensure that Green Belt boundary reviews require exceptional justification. On this basis, the text is unsound.

**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 precise as possible.**

In order to make the DPD sound we propose the following text for paragraph 4.39:

“While the Strategy aims to maintain the overall extent of Green Belt, in locations where there are difficulties in accommodating the scale of growth required, consideration will be given to undertaking localised Green Belt boundary reviews. However, in order to be consistent with national planning policy, detailed Green Belt boundaries can be altered only exceptionally. Consequently, any reviews will need to demonstrate that there are exceptional circumstances to justify any alterations, having regard to the value of the area of Green Belt being assessed against the purposes of including that land in the Green Belt, as well as other considerations such as the effect on landscape, biodiversity, openness and access to the natural environment.”

For consistency this phraseology, which correlates with national planning policy, should be repeated where appropriate elsewhere in the Core Strategy, for example within paragraphs 5.22 and 5.26.

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**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.

N/A

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
		CP1			

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

We consider policy CP1 to be sound where it states that Selby, as the principal town, will be the main focus for new housing, employment, retail, commercial and leisure facilities.

**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 precise as possible.**

N/A

**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.

N/A



**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
		CP1			

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

**Policy CP1 A. a)**

We consider the wording of policy CP1 A. a) to be unsound in relation to the intended level of development that is to be directed towards designated Local Service Centres. As currently worded, policy CP1 A. a) states at the outset that the level of development directed towards a town will be dependent on its role, level of housing need and constraints. However, under the second bullet of the policy, Local Service Centres are described as being intended to accommodate future development on the basis of their size and role only. This is a clear contradiction and, as a proposal, is not soundly based. Housing need and environmental and physical constraints are clearly factors which dictate the level of development that can be accommodated in a town, regardless of its stated role.

Such an approach to development in Local Service Centres is also contrary to the evidence upon which the Core Strategy is purported to be based, namely the RSS. The RSS evidence base, as soundly applied, led to the adoption of policy YH6. Policy YH6 states that development in Local Service Centres should meet only locally generated need for both market and affordable housing. The Council has provided no robust and credible evidence to demonstrate that the RSS evidence base can be interpreted in this alternative fashion.

The inclusion of Appleton Roebuck as a Designated Service Village (DSV) is not justified, effective or in accordance with national policy. Appleton Roebuck's elevation from a Secondary Village, in the consultation draft Core Strategy, to a DSV is entirely on the basis of representations put forward by the Parish Council. Its previous status was supported by a detailed assessment of the village's sustainability credentials, which have not changed.

According to Background Paper No.5, Appleton Roebuck has a population of less than 800, the second lowest of the 29 villages assessed, it has one local service of note, which is a primary school, it is ranked as 'poor' in terms of accessibility by public transport to local services, it is amongst the worst performing villages in terms of access to local employment opportunities and in the ranking of relative sustainability is the least sustainable of the 29 villages assessed.

The January 2011 Addendum to Background Paper No.5 amends Appleton Roebuck's standing within the 'Local Services' category of assessment from a Classification of 3 to 2. This is purely on the basis of a previously unacknowledged "part-time" Post Office. Appleton Roebuck's Post Office operates out of the Parish Hall and is open to the community from 13:30 – 15:30 on one day of the week, which is a Wednesday. How such a service can be comparable to, for example, a Tesco Express in Brayton, which is open 07:00 – 21:00 seven days a week, is unfathomable. The existence of the "part-time" Post Office is not capable, therefore, of elevating Appleton Roebuck to a DSV and it should be afforded no weight.

Also of relevance is the fact that there are some villages that performed better than Appleton Roebuck in sustainability terms, according to the Background Paper, yet have been demoted from DSV to Secondary village status.

Appleton Roebuck clearly has an insufficient level of services and relative sustainability to accommodate additional growth for either housing or employment development not suitable for rural areas.

Appendix 1 to Background Paper No.6 also confirms the inability of Appleton Roebuck to accommodate growth and recommends Secondary Village Status. Appendix 3 to the Background Paper contains Village Growth Potential Studies. The Study for Appleton Roebuck confirms that due to landscape sensitivity the potential for growth and new development is limited. The Study does state that land to the north of the village could accommodate additional development without visual prominence, provided suitable landscaping mitigation is provided; however, what the Study fails to even acknowledge is that this land falls within Agricultural Land Classification 2, which is the best and most versatile agricultural land according to paragraph 28 of PPS7. Appleton Roebuck's agricultural heritage has been blighted in recent years by the Council's failure to protect its historic agricultural buildings and farmsteads from inappropriate redevelopment to provide commuter housing. To now strip the village of its closest most versatile agricultural land would be a near nail in the coffin of its heritage. In addition, we do not agree that this area can be developed without detriment to the visual amenity and character of the village.

Due to the failure of the Core Strategy to have proper regard to its own evidence base relating to Appleton Roebuck, and its failure to produce any reasoned justification for doing so, policy CP1 is unsound.

**Policy CP1 A. b)**

This part of the policy permits, due to its reference to policy CP1A, Greenfield development in highly unsustainable Secondary Village locations. This approach is contrary to national

policy relating to the location of housing development and the Core Strategy evidence base, which does not justify a need to release Greenfield land in such an unsustainable and potentially harmful manner. On this basis, and for the reasons set out in our further comments on policy CP1A (contained in separate representations), policy CP1 is unsound.

**Policy CP1 A. c)**

The wording of this part of the policy is not sufficiently clear with specific reference to 'proposals of an appropriate scale which would diversify the local economy'. The word diversify is too broad in its meaning and raises doubt regarding the effective application of this policy. As written, the policy does not comply with PPS4 policy EC6 and is therefore unsound.

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**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 precise as possible.

**Policy CP1 A. a)**

Bullet two should be amended to state clearly that Local Service Centres should provide a level of local housing in accordance with its needs and taking into consideration its environmental and physical constraints.

Under bullet three Appleton Roebuck should be removed from the list of DSV's because the evidence base does not support its inclusion as anything other than a Secondary Village.

**Policy CP1 A. b)**

Please see representations to policy CP1A.

**Policy CP1 A. c)**

The correct approach to policy CP1 A. c) would see an amendment to the policy to read; '...and to proposals of an appropriate scale which would contribute towards and improve the local economy, or meet affordable housing need or other exceptional circumstances.' Following this amendment this part of policy CP1 A. c) will be supported by PPS4 EC6.

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**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.

Policy CP1 is a fundamental part of the strategy requiring detailed discussion relating to its proposals and consequences.

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
		CP1			

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

**Policy CP1 A. d)**

In the absence of an RSS or Structure Plan the Core Strategy must give strategic protection to the general extent of Green Belt in the District. It is assumed that the general extent of the Green Belt will be identified on the Proposals Map DPD. Because the Core Strategy does not, as proposed, provide protection to the general extent of Green Belt it is unsound.

We support, however, policy CP1 A. d) where it requires development in the Green Belt, including villages washed over by Green Belt, to be in conformity with national Green Belt policies.

**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 precise as possible.

Policy CP1 A. d) should be amended / added to state that the general extent of the Green Belt, as shown on the Proposals Map DPD, will be protected in accordance with national policy.

**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.

N/A

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
		CP1A			

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

**Policy CP1A**

We agree that speculative windfall housing can make an important contribution to the District's housing supply. However, we are concerned that the relaxation of policy to allow such a significant element of Greenfield land to come forward for housing development is the wrong way to deliver the Strategy.

**Policy CP1A a)**

The effect of policy CP1A is to make proposals for housing development on private residential gardens, on agricultural fields, paddocks and other Greenfield land within development limits acceptable in principle. This is a significant departure from national planning policy in the form of PPS3.

If the Council's own housing target is so great as to necessitate such a radical and unsustainable release of Greenfield land then clearly the target is too onerous and unjustified in the face of local circumstances.

The Council's principle reason for introducing policy CP1A at such a late stage in the Core Strategy process appears to stem from the Government's issuing of the June 2010 version of PPS3, and its removal of residential curtilage from the definition of previously developed land. At no other point throughout the Core Strategy consultation process has a need to release Greenfield land as windfall in order to meet the Council's housing target been tabled as an option or proposal. Consequently, why policy CP1A and its supporting text chooses to go beyond a purported need to bring residential curtilages back into the housing supply chain is a mystery. There is no evidence accompanying the Core Strategy which demonstrates that windfall development on Greenfield land is required, in addition to the proposed level of allocations, in order to meet the District's housing target. We repeat, if this were the case then the overall target is too high.

The IHP reintroduces the notion of garden grabbing despite the Government's actions in removing an in principal acceptance of such development. This alone is contrary to national policy. To go further and effectively make all Greenfield land within development limits acceptable in principal for new housing development is further contrary to national advice.

In relation to the specific reference to farmsteads, this is unnecessarily confusing. Neither the policy nor its supporting text define a farmstead. However, it appears that this reference to farmsteads within the policy is an intention to allow not only the conversion and redevelopment of existing agricultural buildings for housing purposes, but also the land surrounding them. We consider this policy to go too far because conversion of agricultural buildings within development limits would be permitted in any case by the preceding policy text in each locational scenario. Farmsteads often provide an essential historic reminder of a settlement's origins and whilst sympathetic conversion can sometimes be appropriate, development of Greenfield curtilage land will lose this important contribution.

In relation to secondary villages we are concerned that the 'filling of small linear gaps in otherwise built up residential frontages, and conversion / redevelopment of farmsteads' runs contrary to the Strategy's claim that without this policy development will take place in unsustainable locations. The adopted Local Plan has been relatively successful in preventing unacceptable levels of new development in unsustainable settlements, yet policy CP1 is much more generous than the Local Plan ever was. Allowing windfall development on Greenfield sites in this manner is completely unsustainable.

#### **Policy CP1A b)**

We consider this element of the policy to be unnecessary in a Core Strategy. Notwithstanding our concerns, under the preceding provisions the conversion of farmsteads is already permitted and, therefore, any matter of detail should be left to development management policies brought forward in an appropriate DPD.

#### **Legal Status of the Council's Decisions**

At a meeting of the Council's Policy and Resources Committee held on 14<sup>th</sup> December 2010 it was resolved to approve the Core Strategy document and its evidence base for consultation on the recommendation of the Council's LDF Task and Finish Group. At that meeting a Member of the Committee, who is also Chair of the Task and Finish Group, declared a prejudicial interest in his involvement in taking decisions on such matters. This prejudicial interest, we understand, extended back in time to all resolutions of the Policy and Resources Committee and recommendations of the LDF Task and Finish Group. We have been advised by the Council that the subject of this prejudicial interest is the ownership of Greenfield land within the development limits of a settlement. This state of affairs calls in to question the legality of the Council's resolutions relating to the Core Strategy throughout the entire process.



In summary, policy CP1A is unsound because it is neither justified, effective nor in accordance with national policy.

**Question4:** 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 precise as possible.

We consider the policy to be far too prescriptive and of a development management nature to be included within a Core Strategy. Consequently, the Strategy would not be harmed by an absence of this policy. It must not be forgotten that this policy is a mirror image of the Council's failed IHP which was intended as a development management policy.

If it is deemed that such a detailed policy is necessary within the Core Strategy then it can only be sound if justified by a credible and robust evidence base. There is no evidence available to demonstrate that wholesale release of urban Greenfield land for housing developments is necessary. Consequently, the policy should be reworded to remove reference to Greenfield land, including farmsteads.

**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.

The implications of this policy for the urban grain of all settlements in the District is potentially very harmful indeed. The justification for this policy is not clear and requires detailed debate.

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
		CP1A			

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

<p>CP1A e)</p> <p>We support that proposals in villages washed over by Green Belt must accord with national Green Belt policy.</p>
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**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 precise as possible.**

N/A
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**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.

N/A

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
		CP2			

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

We consider the proposed distribution of housing to be unsound.

At numerous stages in the document the Core Strategy states that Tadcaster should provide only for local need. For example, paragraph 4.3, bullet point 2, states “adopting a slower pace and scale of growth in rural areas focussing some growth on Sherburn in Elmet and Tadcaster to meet local needs...”. Paragraph 4.18 states “development in Local Service Centres will be limited to that which maintains or enhances the level of services, facilities and jobs provided, or meets local housing need to create more balanced communities. Tadcaster and Sherburn in Elmet are designated as Local Service Centres”.

Paragraph 4.22 of the Core Strategy states that Tadcaster functions as a dormitory town and this undermines its service centre role. A level of housing allocation that necessitates building on Green Belt and Greenfield land beyond the town’s existing development limits will only exacerbate the situation. Paragraph 5.16 states “outside Selby, housing development is orientated towards meeting local needs and creating balanced communities”. Paragraph 5.18 states “the scale of development proposed reflects the fact that only limited opportunities have been available over some considerable time, combined with the need to increase the vitality of the town and its centre through additional housing growth”.

There is clearly a consistent theme running through the Core Strategy that a) Tadcaster should only cater for housing growth for local needs; b) it currently functions as a dormitory town; and c) the town centre is weak and there is a need to increase the vitality of the town and its centre through appropriate housing growth. We agree with this analysis but disagree with the solution proposed by the Council, which is to require the town to meet a need for 650 dwellings over the Plan period, 457 of which would have to be accommodated on either or both of Green Belt or Greenfield land. There is no local need basis for this allocation; it arises from the Council's dividing up of the out of date RSS requirement which, as stated previously, will no longer apply in a relatively short period of time.

Neither policy CP1, its supporting text, nor the Core Strategy evidence base provide a formula or detailed methodology that is capable of justifying the figure of 650 dwellings for Tadcaster. In addition, the evidence that is available leads to the conclusion that this figure is not deliverable and does not have the support of the key delivery partners.

The Core Strategy provides no clear justification for the proposal to allocate the same minimum housing requirement for Tadcaster as it does for Sherburn in Elmet. The two towns are clearly very different in terms of their ability to cope with and deliver this level of new development. Sherburn in Elmet has a significantly larger offering of employment opportunities, more superior public transport and road links, a less sensitive landscape and an obvious ability to deliver growth. Furthermore, Background Paper No.1 clearly demonstrates that Sherburn in Elmet has lower levels of existing out commuting than Tadcaster. By comparison, employment opportunities are not as readily available within Tadcaster, Tadcaster has no rail links to the main northern towns as Sherburn in Elmet does, the landscape surrounding the town is much more sensitive and, as stated above, out commuting to work is more of a problem in Tadcaster. Whilst Tadcaster and Sherburn in Elmet have a similar role in their local areas this does not automatically mean that their ability to deliver the same level of housing growth is equal.

Taking into account the above factors, and our representations relating to the Strategy's reliance on RSS evidence, will inevitably lead to the conclusion that the total minimum housing requirement for the District, of 7040 dwellings, is not sustainable. It is not justified, effective or consistent with national planning policy.

As a point of note we see no reason for the Core Strategy housing distribution to be based on a period of 16 years. The Strategy should be written as it is intended to be adopted, which would provide for a period of 15 years in accordance with paragraph 4.13 of PPS12.

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**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 precise as possible.**

It is acknowledged that Tadcaster is a dormitory town. Our submission is that the way to arrest / reverse this trend is to provide for local housing within the existing town boundaries. Providing housing on Greenfield land outside the towns existing development limits will only exacerbate the problem. The housing distribution figure for Tadcaster should therefore be adjusted to a figure which meets local housing need and can be delivered in a sustainable

manner. By acknowledging elsewhere in the Strategy our client's proposed town centre regeneration scheme, and by supporting its full implementation, and by limiting Tadcaster's housing requirements to that which it genuinely needs, the Core Strategy's objectives of increasing the vitality of the town and reversing its dormitory status will be achieved.

The overall housing target for the District should be adjusted based on an up to date evidence base, which reacts to local circumstances and provides for local needs.

Policy CP2 should be adjusted to set out a 15 year housing requirement.

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**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.

Policy CP2 is clearly a fundamental component of the Strategy and requires detailed discussion at an oral event.

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
		CP6			

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

We support the principle of rural housing exception sites in appropriate locations, however we have a concern regarding the policy's clarity.

Policy CP6 states that in settlements of less than 3000 population, planning permission will be granted for small scale rural affordable housing. The policy, nor accompanying text, clarify how the figure of 3000 has been arrived at, and from which source of population figures the policy will be measured against during the Plan period. In this regard, the policy as currently worded is not justified, nor is it effective.

**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 precise as possible.**

Policy CP6 and its accompanying text should be reworded to refer to an identified list of rural villages (selected from a sound assessment) to which the policy applies, to ensure deliverability and consistency through the Plan period.

**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.

N/A



**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
		CP9			

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

Policy CP9 ix. supports the reuse of former mine sites with economic activities which could include tourism, recreation, research and low-carbon / renewable energy generation. The proposed wording of this policy effectively gives support to the reuse of Stillingfleet and Wistow mines; this is tantamount to an allocation. Clearly a Core Strategy, unsupported by the necessary evidence, is the wrong place for giving such sites specific guidance. The Council has already refused planning permission for the retention and reuse of buildings at both of these sites; it is therefore difficult to see how support for the reuse of these sites to any extent can be supported, particularly as their very existence is unlawful.

Specific reference to the former mine sites within the policy is neither justified nor effective and, through more detailed assessment, potentially contrary to national planning policy.

**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 precise as possible.

Reference within policy CP9 ix. to former mine sites should be deleted together with the final sentence of paragraph 6.29.

**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.

The issues at hand require the Council to justify their position further at examination.

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
		CP11			

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

If the Spatial Strategy for the health and well being of Tadcaster town centre, and its enhancement, is to be effective it must include support for our client's approved comprehensive regeneration proposals. Unless the necessary support to enable the delivery of our client's proposals is forthcoming Tadcaster will remain as a dormitory town. Consequently, the failure of policy CP11 to give its support to our client's regeneration scheme renders the policy unsound by virtue of the fact it is not justified or effective.

**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 precise as possible.**

In relation to Tadcaster, policy CP11 should be reworded as follows: "Promoting and enhancing the attractive historic core in association with the approved comprehensive regeneration scheme for the town as well as appropriate future retail proposals."

**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.

N/A

**Part B**

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

Section No.	Map No.	Policy No.	Figure No.	Paragraph No.	Other
					Sustainability Appraisal Report

**Question 1: Do you consider the DPD is:**

- 1.1 Legally compliant Yes  No   
 1.2 Sound Yes  No

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

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

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

- 2.1 Justified   
 2.2 Effective   
 2.3 Consistent with national policy

(Please identify just one test for this representation)

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

We do not believe the Sustainability Appraisal Report provides a justified conclusion on, and a clear understanding of, the sustainability of certain key policies.

In relation to policy CP1A, Table 6 concludes that this policy is sustainable and comments that “the policy expects proposals to make use of previously developed sites where available” in relation to SA11. This is not in fact correct. Policy CP1A is akin to a development management policy and does not provide an assumed sequential approach prioritising previously developed land. The policy, in fact, makes clear that development on Greenfield land will be acceptable in all cases within development limits with no requirement that previously developed sites are considered first. On this basis the assessment is confused and not necessarily robust. We consider the large scale uncontrolled release of Greenfield land for speculative housing development to be unsustainable.

With regard to policy CP2, Table 7, under SA8 and SA9 the appraisal, concludes that the policy is sustainable because it provides housing where it will meet local needs. This is clearly not the case. The housing distribution under policy CP2, particularly in relation to

Tadcaster, inflicts minimum targets considerably in excess of local needs contrary to the key objectives and sub objectives of SA8 and SA9. As a result policy CP2, as proposed, cannot be considered sustainable and, consequently, the evidence base robust.

**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 precise as possible.

The Sustainability Appraisal Report must conclude that policies CP1A and CP2 are unsustainable in order for the evidence base to be credible, robust and sound.

**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.

This issue has clear links to, and implications for, key policies of the Core Strategy.

### **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: 21/02/11