

## **Selby District Submission Draft Core Strategy Consultation on Further Proposed Changes (7th Set) November 2012 Representation Form**

The Core Strategy has been subject to Examination by an independent inspector at hearings in September 2011, April 2012 and September 2012.

The independent inspector adjourned the Examination in Public (EIP) until 27 February 2013 in order for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy in accordance with the revised timetable (available at [www.selby.gov.uk/CoreStrategyEIP](http://www.selby.gov.uk/CoreStrategyEIP)).

The Council is therefore publishing further Proposed Changes to the Submission Draft Core Strategy, for consultation between 12 November and 28 December 2012.

The Submission Draft of the Core Strategy (May 2011) takes into account views gathered at the previous stages of consultation. The September 2011, April 2012 and September 2012 EIPs have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage (January 2011) and subsequent consultation on the previous 6 sets of Proposed Changes (January and June 2012). This is not another opportunity to make further representations on those matters.

**Representations are therefore invited as part of this consultation on the 7th Set of Proposed Changes to the Submission Draft Core Strategy and the Further Sustainability Appraisal Addendum Report.**

Please complete separate copies of Part B of this form for each of your separate representations. It would be helpful if you could focus on the "tests of soundness" and indicate if you are objecting on a legal compliance issue.

**Completed representation forms must be returned to the Council no later than 5pm on Friday 28 December 2012**

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

**Fax to: 01757 292229**

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

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**Part A****The Tests of Soundness**

The Independent Inspector's role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The tests to consider whether the plan is 'sound' are explained under paragraph 182 of the National Planning Policy Framework (NPPF) (March 2012) and states a sound Core Strategy should be:

**Positively prepared**

- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

**Justified**

- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

**Effective**

- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

**Consistent with national policy**

- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

**Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Name		STUART VENEY
Organisation	SSOBT	CUNWANE TOWN PLANNING
Address	C/O AGENT	PO BOX 305 MANCHESTER M21 3BQ
Telephone No.		[REDACTED]
Email address		[REDACTED]

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

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

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

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2g) to which this representation refers to:**

PL 2.2

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

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

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

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
- 2.4 Consistent with national policy

**Question 3: Please give details of why you consider the Proposed Change is not legally compliant or is unsound and provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy legally compliant or sound.**

PLEASE SEE ATTACHED.

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Question 3 continued

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

**Question 4: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?**

**4.1** Written Representations

**4.2** Attend Examination

**4.3** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

*(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).*

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

**Representation Submission Acknowledgement**

I acknowledge that I am making a formal representation. I understand that my name (and organisation where applicable) and representation will be made publically available (including on the Council's website) in order to ensure that it is a fair and transparent process.

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

Signed

[Redacted signature box]

Dated

28<sup>th</sup> December 2012

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PC7.2	Para4.39j		
Legally Compliant	Yes	Positively Prepared	Yes
Sound	No	Justified	No
		Effective	No
		Consistent with national policy	No
Written Reps	Yes		

The use of the word 'constitutes' in the thirteenth line rather than the deleted 'offers' suggest that the question of whether the circumstances outlined in the earlier sections of the amendment constitute 'exceptional circumstances' has already been made.

This concern can be remedied by the addition of the word 'may' before 'constitute'. This is in order that the decision as to what may or may not be considered an exceptional circumstance is not seen to have been predetermined.



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

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2g) to which this representation refers to:**

PC 7.3 Policy CPXX

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

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

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Question 3 continued

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Signed

[Redacted signature box]

Dated

28<sup>th</sup> DECEMBER 2011



PC7.3	Policy CPXX, C		
Legally Compliant	Yes	Positively Prepared	Yes
Sound	No	Justified	No
		Effective	No
		Consistent with national policy	No
Written Reps	Yes		

Section C of draft policy CPXX states that the Green Belt boundaries will only be altered in exceptional circumstances. Subsection C (iii) currently states that these exceptional circumstance may exist where the removal of land from the Green Belt would represent a significantly more sustainable solution than development elsewhere on non Green Belt land.

The aim of sustainable development runs as a golden thread through NPPF and is the primary test by which all development is to be considered. It is the primary objective of the planning system to encourage sustainable development. Draft policy CPXX currently fails to fully acknowledge this important strand and should be amended to properly reflect the primacy of sustainability within the decision making process.

In addition the current policy wording could be clarified by the removal of the word "elsewhere" and its replacement with the words "anywhere else". This would more accurately reflect the intention of the policy, the fact that Green Belt reviews should not be considered in a piecemeal fashion and assist in the interpretation of the overall document.

The issue of sustainability should be elevated from the last subsection of part C of the draft policy to the main part of subsection C and the word "elsewhere" clarified. The proposed text to part C is as follows:

**C. Green Belt boundaries will only be altered in exceptional circumstances through the Local Plan and where such alterations represent a significantly more sustainable solution than development anywhere else on non-Green Belt land. Exceptional circumstances may exist where:**

- i), there is a compelling need to accommodate development in a particular settlement to deliver the aims of the settlement hierarchy, and**
- ii), in that settlement, sufficient land to meet the identified needs is not available outside the Green Belt, and**
- ~~iii), removal of land from the Green Belt would represent a significantly more sustainable solution than development elsewhere on non-Green Belt land.~~**







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

**Please identify the Proposed Change (which can be found on the Published Schedule, CD2g) to which this representation refers to:**

PL ALL

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

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

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

- 2.1 Positively Prepared (Please identify just one test for this representation)
- 2.2 Justified
- 2.3 Effective
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Question 3 continued

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Signed

[Redacted signature box]

Dated

28<sup>th</sup> December 2012



PC ALL	ALL		
Legally Compliant	No	Positively Prepared	No
Sound	No	Justified	No
		Effective	No
		Consistent with national policy	No
Written Reps	Yes		

I wish to reiterate that all of our previous representations made both in response to the formal consultations and the EIP session remain extant.



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

Please identify the Proposed Change (which can be found on the Published Schedule, CD2g) to which this representation refers to:

PC 7.12 and 13, CP2, Text and Annex X

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

- 1.1 Legally compliant  Yes  No
- 1.2 Sound  Yes  No

If you have entered No to 1.2, please continue to Q2. In all other circumstances, please go to Q3.

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PLEASE SEE ATTACHED

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Question 3 continued

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

Signed

[Redacted signature box]

Dated

28th December 2012



PC7.12 and 13	CP2, Text and Annex X		
Legally Compliant	Yes	Positively Prepared	Yes
Sound	No	Justified	No
		Effective	No
		Consistent with national policy	No
Written Reps	No – The issue is fundamental to the interpretation of an important policy within the Core Strategy and needs to be clarified and discussed within an EIP session.		

#### *Main Modification*

Firstly, we disagree that the amendments proposed here can be accurately defined as a 'non-main modification'. The introduction of windfalls as a source of supply significantly alters the likelihood that the Council will substantially exceed its delivery target for new dwellings over the plan period, with consequent implications for the application of other policies within the Core Strategy and its daughter documents. The amendment should be defined as a main modification.

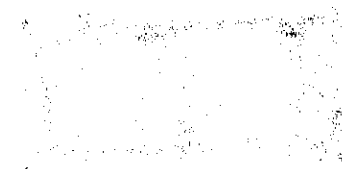
#### *Consistency*

Secondly, the proposed introduction of windfalls as a potential source of supply is welcomed. The contribution from windfalls can however be clarified to assist in the interpretation of the policy and intended strategy.

The NPPF states at paragraph 48 that Local Planning Authorities can make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available and will continue to do so. It is clear that this guidance is aimed at Local Authorities that consistently deliver a high percentage of their total new housing from windfall sources. This is the case in Selby.

The guidance provides for such authorities to introduce a mechanism by which significant delivery from windfall sources can be accommodated within the strategy going forward. The overarching aim of this guidance is to ensure that sufficient housing to meet identified needs is delivered *sustainably*. This is the 'golden thread' running through planning policy both at the national and local levels.

The 7<sup>th</sup> Set of Proposed Changes contains recognition that windfalls offer the potential to sustainably meet housing needs from previously unidentified sources and that this can contribute to delivery of the housing target under policy CPXX. However, the method by which they are proposed to be taken into account needs to reflect the potential of these sites to offer a more sustainable option than 'identified' sources of supply.





In essence, in the interests of sustainability, the mechanism by which the supply of windfalls complements the release of allocations in meeting the minimum identified requirement needs to be made clear and unambiguous. A five year supply of deliverable allocated sites should of course still be maintained, in order that a dependable source of new housing remains available if delivery falls below the minimum of 450 dpa for a 3 year period (as per policy CP3).

The proposed amendments to the Core Strategy inconsistently recognise that the addition of new dwellings into the supply within the District will have an effect on the release of housing land within the District.

The proposed application of windfalls is set out in draft Appendix X, contained within the Annex D to the 7<sup>th</sup> Set of Changes. This envisages windfalls are categorised into two types; 'Known Windfalls' and 'Unknown Windfalls'. The known windfalls are effectively commitments that '*...at the time of determining allocations...*' will contribute to the 450 dwelling per annum target. The 'unknown windfalls' are sites which come forward following the determination of allocations and will not be counted against the 450 dwelling per annum target, unless the delivery from allocated sites falls below 450 dwelling per year. The text goes on to describe that Policy CP3 provides the underperformance mechanism to deliver 450 dwellings per year from allocated sites, and therefore the contribution from windfalls is likely to be on top of the 450 dwelling per annum minimum requirement.

We consider that the supply of new dwellings from all windfall sources is a significant source of supply that must be taken properly into account for the Core Strategy to be robust, sustainable and sound. Whilst the amendments seek to do this the Core Strategy could be amended further to ensure that the policy is clear and unambiguous. Not doing so may lead to an interpretation that fails to recognise that this source of supply can make a sustainable contribution to meeting the identified needs of the District as an alternative to allocated sites.

For clarity, nowhere within NPPF is there guidance or suggestion that the delivery of a Councils' identified housing needs to be achieved *only* via identified, allocated sources of supply. NPPF simply states that Councils should identify deliverable sites to meet five years of identified need (with additional buffers) and bring these forward to ensure that identified requirements are met. If a previously unidentified source of supply meets a significant proportion of these needs then this will be reflected in the release of identified sites to ensure sustainable patterns of development are achieved and, for example, that undesirable commuting patterns are not created.

The current wording of policy CP3 A, B and C does not differentiate between types of supply and the Core Strategy should make this clear.

#### *Tadcaster*

Thirdly, Tadcaster has been provided with a specific mechanism within policy CP2 (subsection CC) which seeks to allocate 3 phases of development for the town, each capable of meeting the entire identified needs of the settlement for the plan period. We have already set out in previous representations to the emerging Core Strategy our concerns that this may result in the release of

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allocated sites at double the rate required to meet identified needs leading to unsustainable patterns of development.

The contribution from windfalls that applies to part B of CPXX will of course apply to part CC of the policy, however this is not clear from the current wording of the Core Strategy. The underperformance mechanism within section CC of policy utilises delivery only upon sites which have been identified and allocated as the trigger for the release of future phases. This is distinct from the trigger used in part B of the policy which uses a shortfall of delivery more generally against the annual target for a period of three years. Logically windfalls will of course contribute to either of these triggers, however this needs to be made clear in the wording of the policy.

Policy CP3 needs to be amended in order recognise that windfalls are consistently taken into account when considering the issue of under performance in relation to the Tadcaster and District.