

# 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.**

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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		Will
Last Name		Mulvany
Job Title (where relevant)		Planning Consultant
Organisation	The Diocese of York	Sanderson Weatherall LLP
Address Line 1	C/o Agent	25 Wellington Street
Address Line 2		Leeds
Address Line 3		
County		
Postcode		LS1 4WG
Telephone No.		0113 2216136
Email address		will.mulvany@sandersonweatherall.com

**You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 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" value="5"/>	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.)

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

2.2 Effective

2.3 Consistent with national policy

### Question 3: Please give details of why you consider the 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.

Our client is the owner of land to a south-west of Selby, north-east of Brayton.

It is noted that a strategic countryside gap is identified between the development limits for Selby and Brayton.

This follows from the existing Local Plan designation, but our client is seeking allocation of their land for residential development as a sustainable extension to the Town.

It is our understanding that such matters are to be determined through the Selby AAP, which is only at its very formative stage. It would therefore appear premature to define development limits or preclude certain forms of development, without more detailed consideration. Whilst it does state that the Key Diagram is for illustrative purposes only, the final version should reflect any final Proposals Map and Site Allocations Document.

(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.**

It is considered that the Core Strategy fails the test of soundness of Justification in terms of being the most appropriate strategy when considering reasonable alternatives.

The identification of a strategic gap at this stage may impact on the potential of bringing forward our client's land. This would be considered and justified accordingly through the Selby AAP/Sites DPD(s). This strategic designation would appear to prejudice the proper consideration of our client's site and allow proper consideration of any reasonable strategic alternatives.

It is unsound in this regard.

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

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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

(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** Will Mulvany for & on Behalf of Sanderson Weather

**Dated** 21 February 2011

# Selby District

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### Representation Form

## Part A

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- 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**

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  - Sound infrastructure delivery planning
  - Having no regulatory or national planning barriers to delivery
  - Delivery partners who are signed up to it
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**Contact Details** (only complete once)

Please provide contact details and agent details, if appointed.

	Personal Details	Agents Details (if applicable)
Title		Mr
First Name		Will
Last Name		Mulvany
Job Title (where relevant)		Planning Consultant
Organisation	The Diocese of York	Sanderson Weatherall LLP
Address Line 1	C/o Agent	25 Wellington Street
Address Line 2		Leeds
Address Line 3		
County		
Postcode		LS1 4WG
Telephone No.		0113 2216136
Email address		will.mulvany@sandersonweatherall.com

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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" value="Key Diagram"/>	Other	<input type="text"/>

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

1.1 Legally compliant  Yes  No

1.2 Sound  Yes  No

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

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If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Our client is the owner of land to a south-west of Selby, north-east of Brayton.

It is noted that the land in question is shown as a strategic countryside gap and the development limits for Selby and Brayton do not include it.

That is understandable as that is the current policy situation and we do not dispute that fact. However, it is the firm intention of my client to seek allocation of their land for residential development as a sustainable extension to the Town.

It is our understanding that such matters are to be determined through the Selby AAP, which is only at a relatively early stage. It would therefore appear premature to define development limits or preclude certain forms of development, without more detailed consideration. Whilst it does state that the Key Diagram is for illustrative purposes only, the final version should reflect any final Proposals Map and Site Allocations Document.

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The identification of a strategic gap at this stage may impact on the potential of bringing forward our client's land. This would be considered and justified accordingly through the Selby AAP/Sites DPD(s). This strategic designation would appear to prejudice the proper consideration of our client's site and allow proper consideration of any reasonable strategic alternatives.

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**Signed**

Will Mulvany for & on Behalf of Sanderson Weather

**Dated**

21 February 2011



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Section No.	<input type="text"/>	Policy No.	<input type="text"/>	Paragraph No.	<input type="text" value="5.15"/>
Map No.	<input type="text"/>	Figure No.	<input type="text"/>	Other	<input type="text"/>

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Please see response to Question 3 at the end of this form.

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The reference of a strategic gap between Selby and Brayton at this stage may impact on the potential of bringing forward our client's land. This would be considered and justified accordingly through the Selby AAP/Sites DPD(s). This strategic approach would appear to prejudice the proper consideration of our client's site and allow proper consideration of any reasonable strategic alternatives.

It is unsound in this regard.

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**Signed** Will Mulvany for & on Behalf of Sanderson Weather

**Dated** 21 February 2011

### Question 3

Section 5: Creating Sustainable Communities makes reference to the proposed scale and broad distribution of housing. Whilst our client welcomes the approach to direct new development to the main settlements, including Selby, Sherburn in Elmet and Tadcaster, it would appear to be unduly specific in identifying where such development will come forward (Selby's needs will be met through development to the north-west of the town).

At para 5.15 it effectively dismisses development of land between Selby and Brayton, part of which is in the ownership of our client. Whilst background information has been compiled that has informed this strategy, it is premature to set out where development may or may not go, ahead of more detailed consideration within the Selby Area Action Plan (SAAP). Other sites may indeed come forward for development, but their proposed densities and yields may not be realised once more detailed feasibility work is undertaken. Indeed it is yet to be proven that such sites are indeed deliverable.

The land in the ownership of my client is available in its entirety. It is considered to be suitable and achievable. Certain further investigation may be required to demonstrate its deliverability further, but that should be within the context of the SAAP and not the Core Strategy.

Our client would therefore ask that the text of Section 5 is revised to reflect that the specific sites, or indeed areas for new development within the SAAP will be discussed and considered in that context. Until specific sites are subject to detailed examination, they should not be dismissed 'out-of-hand'.

It should be noted that Policy CP2 does reflect a broad approach without necessarily ruling out specific sites at this strategic stage. The supporting text should be along the same lines.