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18 July 2012

Delivered by Email

Policy Officer
LDF Team
Selby District Council
Doncaster Road,
Selby
YO8 9FT

Our ref: POTY2000
Your ref:
E: ekeogh@turleyassociates.co.uk

Dear Sir

**SELBY SUBMISSION DRAFT CORE STRATEGY
SIXTH SET OF PROPOSED CHANGES
THE POTTER GROUP, BARLBY ROAD, SELBY**

I write on behalf of the Potter Group in respect of the representations on the sixth set of further proposed changes to the Submission Draft Core Strategy.

We have commented previously on the submission draft of the Core Strategy and on the 5th set of proposed changes to the document. Our comments follows the numbering used in the 6th set of changes.

PC6.11 – Duty to Co-Operate

The statement in paragraph L of PC6.11 that *"It has therefore not been possible to work with and agree housing numbers with our neighbours"*, throws considerable doubt on the robustness of the housing figures arrived at. Selby and adjoining authorities have considered their housing figures in isolation and the each local authority has adopted an approach of catering for their own needs. Such an approach is at odds with the duty to co-operate.

The ARUP background paper dated 10 April 2012 from which the Core Strategy derives the annual requirement figure of 450 dwellings per annum, adopts a negative and inflexible approach to the future housing requirement of the district. In particular:

- It places undue reliance on the 2004 based population projections and seeks, through a set of assumptions applied to more up-to-date 2008 and 2010 based projections, to seek to justify the use of the 2004 based data.
- It assumes a rather negative view of the Selby economy, and surrounding local economies, assuming that projected job losses will depress demand of housing. This amounts to 'planning for decline' and results in an artificially low housing requirement that reduces the flexibility for housing supply to respond positively to any upturn in the economy.

- The ARUP modelling assumes that none of the Core Strategies for the surrounding districts seek to export growth to Selby District. That may be the case on paper, but the reality is that neither Leeds nor York have a five year housing land supply and are not catering for housing demand in their districts. Consequently, households continue to be pushed out to Selby to relatively lower priced housing. This trend is reinforced by the relatively good rail and road links to between Selby and York and Leeds.

The approach adopted is essentially negative and entirely at odds with the requirement in the national Planning Policy Framework (the Framework) for local planning authorities to plan positively for the development and infrastructure required in their area to meet the objectives, principles and policies in the Framework.

In particular, the approach is not consistent with the Governments desire "*To boost significantly the supply of housing....*" set out in paragraph 47 of the Framework. The approach adopted by the Council is likely to have the opposite effect in restraining and discouraging housing development from coming forward.

Paragraphs 158 and 159 of the Framework requires that LPA's should have a clear understanding of their housing needs "*... based on adequate, up to date and relevant evidence....*". As has already been pointed out in our representations on the 5th set of changes and subsequently by other representators, the evidence base used to calculate the housing requirement is not based on the most up to date evidence and fails to meet the three requirements set out in paragraph 159 of the Framework. Furthermore some of the assumptions about economic growth that underpin the housing requirement figure are openly disputed by adjoining authorities, for example City of York Council.

PC6.40 - Rate of housing provision

We support the deletion of this text that would have resulted in a lower rate of housing provision in the early years of the plan. Such an approach would clearly not be a proper response to the Governments desire for the step change required to boost significantly the supply of housing.

PC6.37 – Targets

We support this change and the clarification it provides that the targets for housing delivery in Policy CP2 should be regarded as minimum requirements.

PC6.39 – Windfalls

We support this change as it correctly interprets the advice in the NPPF that windfalls should not be included as an element of the overall housing target but can be included in calculating the 5 year supply if properly evidenced. Such an approach provides the flexibility required to facilitate delivery of housing.

PC6.46 – 5 year housing land supply

We support the commitment to undertake an annual review of housing supply. However in the calculation, the 5 year supply should automatically include the 5% buffer. A 20% buffer should be applied where there has been persistent under delivery of housing.

Conclusion

We support the proposed changes PC6.37, PC.39, PC.40 and PC.46 which correctly interpret the guidance in the Framework to maximise opportunities and flexibility so as to enable the supply of housing to be boosted significantly. However, the rather negative approach to the overall rate of housing provision set out under the Duty to Co-Operate (PC6.11) is at odds with the generally positive tone of the other proposed changes.

Our previous representations on the 5th Set of Changes outlined why a housing provision of 544 units per annum was more realistic and justified. The updated evidence on housing provision continues to rely on the 2004 based household projections. Our previous representations on the 5th Set of Changes outlined why a housing provision of 544 units per annum was more realistic and justified based on more up to date evidence. The more recent 2010 based sub-national population, whilst projecting a marginally lower rate of population growth than the 2008 based projection, does not materially change our view on this matter.

As the examination of the Core Strategy is still open, it is within the Councils remit to set out a more positive approach to housing provision and increase the housing requirement figure to a level that more accurately reflects the most up to date evidence and responds to the Governments Agenda to boost significantly the supply of housing

Yours sincerely



Eamonn Keogh
Director

CC:

**Selby District Submission Draft Core Strategy
Consultation on Further Proposed Changes (6th Set)**

June 2012

Representation Form

An Examination in Public (EIP) into the soundness of the Submission Draft Core Strategy (SDCS) was held between 20 and 30 September 2011 and between 18 and 19 April 2012 in front of an Independent Inspector.

The Independent Inspector has adjourned the EIP until 5 September 2012 in order to consider the implications of the National Planning Policy Framework (NPPF) on the Submission Draft Core Strategy and for the Council to consult on any further Proposed Changes to the Submission Draft Core Strategy.

Selby District Council is now publishing and inviting comments on a 6th Set of Proposed Changes to the Submission Draft Core Strategy (and associated documents) in order that all parties can make their views known.

The September and April EIP's have already heard the duly made representations on the Submission Draft Core Strategy which were submitted during the formal Publication stage and subsequent consultation on the first 5 Sets of Proposed Changes. The adjournment should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 and April 2012 hearing sessions.

Representations are therefore invited as part of this consultation on the 6th Set of Proposed Changes to the Submission Draft Core Strategy and associated documents.

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 Thursday 19 July 2012**

Email to: ldf@selby.gov.uk

Fax to: 01757 292229

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

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	Matthew Lamb	Eamonn Keogh
Organisation	The Potter Group	Turley Associates
Address	Melmerby Industrial Estate Green Lane Melmerby Ripon, North Yorkshire HG4 5HP United Kingdom	33 Park Place Leeds LS1 2RY
Telephone No.	01765 641 605	0113 3863800
Email address		ekeogh@turleyassociates.co.uk

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.

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, CD2f) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC6.11;

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.

See attached letter reference POTY2000 dated 17th July 2012

Continue overleaf

Question 3 continued

[Empty box for question 3 continuation]

(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).

[Empty box for question 4.3 response]

(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 Eamonn Keogh

Dated 18 July 2012

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

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PC6.37;

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1.1 Legally compliant Yes No

1.2 Sound Yes No

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Signed

Eamonn Keogh

Dated

18 July 2012

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PC6.39;

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)
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PC6.40;

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

Signed

Eamonn Keogh

Dated

18 July 2012

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, CD2f*) to which this representation refers or paragraph number of the NPPF Compliance Statement:

PC6.46;

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)
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