

ryan king

From: Jennifer Hubbard

Sent: 15 February 2012 14:46

To: ldf

Subject: SDC Submission Draft Core Strategy Representation Form

Attachments: JH Reps re SDC 5th Set of Changes 15.2.2012.pdf; JH SDCS rep form.pdf

Please find attached Representation Form and Statement in connection with the Selby District Submission Draft Core Strategy - Consultation on Proposed Changes - January 2012.

Regards.

Jennifer Hubbard

Sent on behalf of Jennifer Hubbard

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Selby District Submission Draft Core Strategy

Consultation on Proposed Changes

January 2012

Representation Form

Planning and Compulsory Purchase Act (2004), Town and Country Planning (Local Development) (England) Regulations 2004 and (Amendment) Regulations 2008 and 2009

Part A

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

The examination has been suspended to allow the Council to address the following three topics, as set out in the Inspector's Ruling:

- (i) The strategic approach to Green Belt releases;
- (ii) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt;
- (iii) The overall scale of housing development over the plan period.

The Council is now carrying out a consultation directly with participants on the changes to the Core Strategy arising from its consideration of these three topics.

Subject to the outstanding matters above, the examination into the other "Matters and Issues" identified by the Inspector has been completed. All parties have had the opportunity to participate in the hearing sessions and the Inspector has the information necessary to enable him to prepare his report. Consequently no further evidence should be submitted to the examination at this stage; any further evidence received by the Programme Officer is likely to be returned.

When the examination resumes, hearing sessions will be arranged which will focus solely on the above matters. As already stated, the suspension should not be used as an opportunity to revisit matters which have been fully considered during the September 2011 hearing sessions.

Representations are therefore invited as part of this consultation on the Proposed Changes to the Submission Draft Core Strategy.

Please complete separate copies of Part B of this form for each of your separate points. 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 Wednesday 15 February 2012**

Email to: ldf@selby.gov.uk

Fax to: 01757 292229

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

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.

Contact Details (only complete once)

Please provide contact details and agent details, if appointed.

Personal Details	Agents Details (if applicable)	
Title	Escrick Park Estate and adjoining landowners (the Landowners' Consortium)	
First Name		Jennifer
Last Name		Hubbard
Job Title (where relevant)		
Organisation		
Address Line 1	C/O Escrick Park Estate	Allonby House
Address Line 2	The Estate Office	York Road
Address Line 3	Escrick, York,	North Duffield, Selby
County	North Yorkshire	North Yorkshire
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You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 4 - 6) 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 4 - 6) for each representation)

Please identify the topic to which this representation refers:

- (i) The strategic approach to Green Belt releases;
- (ii) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt;
- (iii) The overall scale of housing development over the plan period.

Please state the specific Proposed Change number: **PC** See attached Statement paragraph 11.8
(which can be found on the Published Schedule, CD2e)

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:

(Please note you should complete separate Part B (pages 4 - 6) of this form for each test of soundness you consider the Core Strategy fails.)

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

Question 3: Please give details of why you consider the Proposed Change 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 Proposed Change, or provide any other comments please also use this box to set out your comments:

PLEASE SEE ATTACHED STATEMENT

(If you are submitting this form as a hard copy please ensure all text is visible and continue on a separate sheet if necessary)

Question 4: Please provide details of what change(s) you consider necessary to make the Proposed Change to the Submission Draft Core Strategy 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.

PLEASE SEE ATTACHED STATEMENT

(If you are submitting this form as a hard copy please ensure all text is visible and continue on a separate sheet if necessary)

PLEASE NOTE your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.**

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).

To continue discussions from the Examination which led to the Proposed Changes.

To contribute to the Examination debate about the purpose, scope and nature of the proposed green belt review; to bring first hand knowledge to the Examination of the attempts which have been made by successive LPAs in the area over an extended period to achieve cross-boundary consensus on strategic planning issues - particularly related to the scale and distribution of housing and employment land and green belt in the Greater York Area; to bring first hand knowledge again gained over an extended period of the planning policies and other material considerations which have contributed to Escrick's current character and status in the local settlement hierarchy and to assist the Inspector to explore further with the Council the reasons why Escrick continues to be proposed as a secondary village in light of the reasons for the suspension of the September 2011 Examination.

(If you are submitting this form as a hard copy please ensure all text is visible and continue on a separate sheet if necessary)

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 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 Jennifer Hubbard

Dated 15th February 2012

**REPRESENTATIONS ON THE FIFTH SET OF
CHANGES TO THE SUBMISSION CORE
STRATEGY FOR SELBY DISTRICT PROPOSED
BY THE COUNCIL**

FEBRUARY 2012

**JENNIFER HUBBARD, B.A., MRTPI
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1. INTRODUCTION

- 1.1** These submissions respond to the changes to the Core Strategy proposed by the Council following the suspension of the Core Strategy Examination in September 2011. The changes are the Council's response to concerns of the Examination Inspector about the soundness of the Submission Core Strategy with particular reference to the total housing provision and the approach to green belt. The latter concern stems from land ownership considerations at Tadcaster which the Council proposes to address during the duration of the LDF, should the need arise, by a partial review of the green belt – the objective being to release land from the green belt at Tadcaster which is believed not to be subject to ownership constraints in order to make up any shortfall in housing provision for the town.
- 1.2** The Council also now proposes a general review of green belt within the District.

2. SUMMARY OF THE REPRESENTATIONS

- 2.1** I support the general review of green belt within the District which is long overdue. It is simply not right merely to assume that green belt boundaries established many years ago (in some cases pre-1974) remain appropriate today and will continue to be appropriate for the next 25/30 years.
- 2.2** I accept that this exercise may result in relatively few changes being made to green belt boundaries but where no changes were made, the review itself would have the effect of reaffirming the continued appropriateness of including land within the green belt, giving credibility to the green belt for a period beyond the life of the LDF and minimising the need for ad hoc reviews.
- 2.3** Having said that, I do not support new Policies CPXX Green Belt or CP2 which do not overcome the unsoundness of the Submission Core Strategy. In promoting the policies, the Council has failed to consider all reasonable alternatives to accommodate the increased housing provision and to address the perceived problems at Tadcaster.

- 2.4 The Council has also failed to co-operate with adjoining Authorities: in relation to Leeds, to address strategic and sub-regional housing requirements; and – in relation to York – to address sub-regional housing requirements.
- 2.5 The Council’s proposals in relation to the potential release of green belt land at Tadcaster are unlikely to be successful. The alternatives posed by the Council - to “redistribute” part of Tadcaster’s housing requirement either to Sherburn and/or to DSVs in the western part of the District, or to DSVs throughout Selby - run counter to the Core Strategy vision and objectives of meeting housing need in the area(s) where it arises, promoting self-containment, and maximising the use of brownfield land, as set out in the original Background Paper 3.
- 2.6 A reasonable alternative which the Council should have considered but failed to identify in the Addendum to the Sustainability Appraisal is the appropriateness of designating one or more additional settlements as DSV(s) in the same housing market area as Tadcaster.
- 2.7 Eserick, which lies within the same housing market area as Tadcaster, performs the function of a DSV and should be so designated. A review of the green belt would be necessary to facilitate any further significant development at Eserick and by contemplating green belt reviews at the SADPD stage, Policy CP2 effectively precludes this alternative from consideration.

3. THE REPRESENTATIONS

3.1 These representations consider the following:

- a) the non-delivery of allocated housing land at Tadcaster,
- b) Development Plan preparation in York/Greater York,
- c) Eserick,
- d) the accuracy of the evidence base: Assessing the Relative Sustainability of Rural Settlements (CS Background Paper No. 5),

- e) the Council's failure to consider all reasonable alternatives to meet the housing requirement, also taking into account ownership constraints at Tadcaster, and
- f) the Duty to Co-operate

4. THE NON-DELIVERY OF ALLOCATED HOUSING LAND AT TADCASTER

- 4.1 I have seen Roy Wilson's submissions and can put some flesh on some of the bones.
- 4.2 The impetus for the proposed new policy CPXX Green Belt was evidence presented at the Examination in September 2011 by the team acting on behalf of Sam Smiths Old Brewery Tadcaster (SSOBT) concerning ownership constraints leading to the non-availability of land primarily for residential development at Tadcaster.

Land at Hargarth Field, Tadcaster

- 4.3 This 7.6 hectare site which lies at the eastern end of Tadcaster was a housing allocation in a pre-1974 adopted West Riding Development Plan which allocated, in total, 123 acres of land for residential development in and around the town. In the 1984 Consultation draft of the Selby Rural Areas Local Plan (SRALP) it was proposed not to "reallocate" the Hargarth Field site on the grounds that its development within the Plan period was unlikely. The Written Statement states:

....., it would appear that this site will not be made available for development during the Plan period and in consequence it is not proposed to include Hargarth Field in the residential allocations made in this Plan.

- 4.4 Although it is possible the ownership of Hargarth Field has changed in the meantime, at the time of the SRALP the land was owned by SSOBT (or an associate company or individual) and, following confirmation to the Council by the Brewery's architect that the site would be developed in the Plan period, it was reinstated as a housing allocation.

4.5 Following the Local Plan Inquiry, a Statement of the District Council's Decisions on the SRALP Inspector's Recommendations was published and is interesting in respect of Hargarth Field. In accepting a recommendation that other land in Tadcaster should *not* be allocated for residential development, the Reason is given that there is:

..... no general justification for increase (sic) housing land allocation.....Uncertainty over Hargarth Field appears to be largely resolved by recent submission of planning application seeking outline approval for housing.

4.6 The site remains underdeveloped today.

4.7 As the draft SRALP passed through its stages, other land was allocated for business use at York Road, Tadcaster and at London Road, Tadcaster. The London Road allocation attracted objections which were endorsed by the Local Plan Inspector. However, in adopting the Plan (in 1990) the Council accepted all except one of the Inspector's recommendations. The post-Inquiry Schedule of Proposed Modifications of January 1990 notes:

The Planning Committee resolved, with one exception, to support all the Inspector's recommendations. The exception relates to the Inspector's recommendation that the Council should not proceed with the proposed modification to allocate land for industrial purposes at London Road, Tadcaster instead of the York Road site.

The reason given is:

The District Council believes that additional land should be made available for business development in order to further encourage a range of employment opportunities.

4.8 The London Road site was owned at that time by John Smiths Brewery and the Brewery was my Client. John Smiths and SSOBT are not connected. I submitted the Local Plan representations and was present at the Planning Committee meeting which

took the decision not to accept the Inspector's recommendation, when it was made explicit that the reason for doing so was to ensure that land with a willing seller would be available to meet the needs of the town. The Council had every reason to believe the London Road site was free of ownership constraints at that time.

4.9 John Smiths Brewery subsequently sold the site, which remains undeveloped.

4.10 The Statement of the District Council's Decisions also has this to say about other proposals – rejected by the SRALP Inspector – to extend Tadcaster to the west:

Sufficient housing land allocated. Majority of land is in statutory green belt, land is generally of high agricultural value and the landscape ranks amongst the most attractive in the area.

(our emphasis)

4.11 This comment is interesting in relation to the current suggestion that the green belt round Tadcaster might be revised to enable development allocations to be made to the west because, whatever else may have happened since 1990, the character of the landscape to the west of Tadcaster has not changed. It is also interesting if compared with comments made by Mr Heselton at the CS Examination that Escrick is constrained by high quality landscape (which is patently not the case), which constraints its development.

4.12 I make these points to emphasise that the Council is right to acknowledge land ownership constraints at Tadcaster as a serious impediment to the delivery of the Core Strategy, to also confirm that these constraints are long standing and to underpin Mr Wilson's submissions that "**considerable resources are brought to bear in order to prevent or restrict development in the Tadcaster area**". More particularly, however, the unique circumstances at Tadcaster require the Council to have a robust alternative in place. A policy which contemplates removing land of high landscape quality from the green belt to the west of Tadcaster cannot on any consideration be a realistic alternative let alone a robust one.

4.13 The Core Strategy as proposed to be amended in this respect is not sound.

5. DEVELOPMENT PLAN PREPARATION IN YORK/GREATER YORK

- 5.1** Prior to the 1996 local government reorganisation, the boundary between York and Selby closely followed the southern edge of the built up area of the city. In 1996, the northern parishes then in Selby were transferred into York and the boundary between the two Authorities now runs along the northern edge of the built up area of Escrick.
- 5.2** When the North Yorkshire County Structure Plan was approved in 1980, the City of York was constrained by “tight” boundaries and surrounded by four District Councils. In approving the Structure Plan, the Secretary of State omitted certain policies, including those applying to an area identified in the Plan as the York Inset Area. The Secretary of State decided at that time that the broad scale and distribution of future development within the York area needed to be considered comprehensively.
- 5.3** A study was prepared by the County Council entitled “Policies for Housing and Industrial Land in the Greater York Area”. The study covered the York Inset Area identified in the Structure Plan. Draft proposals published in 1981 were subject to widespread consultation and public participation including government departments, statutory undertakings, local and community groups and members of the public as well as service providers and the surrounding Local Planning Authorities. A version of the Study was submitted to the Secretary of State in 1982 but for a variety of reasons it was never resolved into a Development Plan document.
- 5.4** The last adopted Development Plan for the City of York dates from **1956**. Despite years (decades) of debate and consultation, no comprehensive inter-Authority policies have ever been agreed for the Greater York area.
- 5.5** York proposes to submit its Core Strategy on 14th February 2012 following a period of consultation between September and November 2011. It is understood that the version of the Core Strategy to be submitted to the Secretary of State has not been materially altered from the consultation version. There is significant evidence that the housing proposals in the Core Strategy are insufficient to meet York-generated needs for the Plan period, not least because they do not accord to the housing requirement set out in RSS.

- 5.6** The City Council's Executive Member for Housing has recently been quoted as stating that the housing provision in the Core Strategy is arguable too low, even though the Council significantly increased the housing provision following a change in political control at the last local government elections. This increase in housing provision was not the subject of public consultation within York prior to the Submission Core Strategy being issued for consultation and has not been the subject of consultation with Selby DC under the terms required by the Duty to Co-operate introduced by the Localism Act, despite Provision 110 applying to York.
- 5.7** Of all the settlements surrounding York, Eserick lies closest to the city boundary. The settlement lies alongside a major transport route, the A19, with a 7 day a week regular bus service running between Selby and York. It lies within the same strategic housing market area as York, which has long been established due to journey to work and commuter patterns. The evidence for such is set out in the Selby SHMA (2009) and the North Yorkshire SHMA (2011) and the Yorkshire and Humber Plan (2008). Eserick also has a strong local economy where it provides both services and local employment opportunities for the wider area (addressed in more detail in the next section of the representations).
- 5.8** The Submission Core Strategy for York addresses only the inner and inset boundaries of the green belt. However, if – as seems likely – the Core Strategy is not in place before RSS is abolished, the principle of a green belt for York will need to be made from scratch. As it is, none of the detailed green belt boundaries in York has ever been adopted and the green belt around Eserick remains something of an anomaly. This is particularly so since the main purpose of the York green belt is to protect the historic setting of York rather than for alternative purposes.
- 5.9** The only independent consideration of York's green belt boundaries occurred in the early 1990s when a County Council - produced York Green Belt Local Plan was considered at a 6 month long Inquiry. Within a long and considered report, the Inspector noted that the contribution which land makes to safeguarding the character and setting of the historic city inevitably diminishes the further one travels from the city. The Green Belt Local Plan was never adopted.

5.10 If ever there was a case for inter-Authority co-operation, irrespective of any statutory duty to do so, this must apply to co-operation between Selby and York in relation to housing provision within the northern part of the Selby/ York housing market area.

6. ESCRICK

6.1 The Council's decision not to identify Escrick as a Designated Service Village in the Submission Core Strategy is inexplicable - more so now given the need for the Council to identify additional land to accommodate a further 220 dwellings (minimum) and also given the clear recognition of the continuing uncertainties about delivery at Tadcaster.

6.2 Some historical information may assist.

6.3 Escrick was identified as a "Minor Centre" – the equivalent of a DSV – in the pre-1947 East Riding of Yorkshire County Development Plan. Minor Centres were defined as rural centres where all appropriate development would be permitted and where service provision and infrastructure, in particular primary education, was to be provided or where necessary enhanced.

6.4 Due to the proximity of York, in modern times, Escrick has always been considered to be one of the more attractive and wealthy villages in Selby District, as can be seen from the "executive" character, size and style of the modern housing built from the mid 1960s consistent with its (East Riding) Development Plan status.

6.5 Population change* in the second half of the last century was as follows:

1951 = 440
1961 = 443
1971 = 660
1981 = 759
1991 = 820
2001 = 1241
2010 = 1340

*Figures sourced from NYCC. Figure for 2010 is the NYCC projection

- 6.6** Escrick became part of Selby District in the 1974 Local Government re-organisation. In that year a planning application was submitted for a coalfield covering a substantial part of the District. This included 5 satellite mine sites, one of which lay immediately to the north of Escrick. Following a concerted campaign by local residents, the “Escrick mine” was quickly renamed the “North Selby” mine and the operational site was moved by the Applicant Coal Board further from the village.
- 6.7** In April 1975 North Yorkshire County Council (the County Planning Authority) published a Selby Review Study. This was intended to act as an Interim Policy Statement pending the production of a Structure Plan. The Review identified outstanding commitments for 50 dwellings in Escrick at the time and proposed that land should be allocated for a further 50 dwellings.
- 6.8** In response to the anticipated influx of additional population generated by the coalfield and following on from the Selby Review Study (although ignoring its proposals for further growth at Escrick), the District Council produced an interim policy document, “The Six Village Study”, as a framework for the direction of new housing. Perhaps unsurprisingly following the furore caused by the coalfield proposals which caused the local community to become highly sensitised to, and active in opposing planning proposals, Escrick was not identified as one of the 6 villages to which new development was to be directed.
- 6.9** Since then, the green belt boundary around Escrick has been cited repeatedly as the reason why subsequent Development Plans have not allocated land for housing and associated development. However, in other ways, the decisions of service providers and public bodies have confirmed its credentials as a sustainable settlement, particularly, in relation to its role within the wider area as a centre for the provision of essential services and facilities, and where the growth of the community has resulted in the need for investment in existing and additional services and facilities. For example, in 1974 a new primary school was built on the fringe of the village to provide additional school places for local children and also from neighbouring settlements.

- 6.10** Over the last 10 years various planning permissions have been granted for significant extensions to The Parsonage Hotel to provide additional letting rooms, separate cottage suites, extensive function rooms and a large conservatory. This is not a “local” facility.
- 6.11** In 2011 planning permission was granted for the remodelling and extension of a petrol filling station/vehicle workshop, including extending the site onto green belt land. Attached to the PFS/vehicle workshop is a convenience store operated by a national retailer. The filling station has over 500 account customers.
- 6.12** Neither of these is a “local” facility, nor is the specialist (Thai) restaurant or the nationally rated Queen Margaret’s (girls boarding) School and riding school or the abattoir which serves a surrounding area extending way beyond Selby District.
- 6.13** Mention was made in earlier submissions of the post office/convenience store, public house and the main surgery of a Doctors’ practice which also covers areas lying outside Selby District. Escrick Business Park is the head office for a Home Care Company which employs over 160 staff providing both private and Council funded care to residents in a wide surrounding area.
- 6.14** It can therefore only be concluded that Escrick provides a role in meeting the needs of the surrounding population outside of the confines of the settlement itself and also the district by providing employment opportunities and services, and catering for visitors. Such a role is separate and different from a role where the centre only provides for the immediate population, for example, South Milford where the village centre caters only for local residents rather than passing trade, the wider economy or visitors. Furthermore, Escrick is able to sustain services and facilities beyond the range and type that might typically be associated with a settlement of its size.
- 6.15** With such a solid economy and range of essential services and facilities, Escrick provides an opportunity for expansion as it has the necessary requirements to support population growth already in place. Expansion of such a settlement constitutes a sustainable pattern of development as it makes best use of existing social

infrastructure, rather than requiring new services and facilities to be built to support development, which is the case in a settlement such as Sherburn.

6.16 I return again to the status of Escrick in the LDF in relation to:

- i.) the accuracy of the evidence base: Assessing the Relative Sustainability of Rural Settlements (CS Background Paper No.5)
- ii.) the duty placed on the Council to co-operate with adjacent Planning Authorities in the formulation of LDF policies, and
- iii.) the Council's failure to consider all reasonable alternatives to meet the housing requirement, also taking into account ownership constraints at Tadcaster.

7. THE ACCURACY OF THE EVIDENCE BASE: ASSESSING THE RELATIVE SUSTAINABILITY OF RURAL SETTLEMENTS (CS BACKGROUND PAPER NO.5)

7.1 The Relative Sustainability of Rural Settlements assessment aims to identify and classify settlements with populations of greater than 600 persons in order to identify those which are relatively sustainable and capable of accommodating some level of growth. A number of indicators are used, which are set out under paragraph 2.2 and identified to be:

- Size - broad indicator of local market available and need for services, together with potential for developing local community groups etc.
- Basic Local Services – a guide to the strength of the existing service base
- Accessibility particularly by public transport to RSS Principal Service Centre (or, in the case of York – Sub Regional Centre) and to the Local Service Centres of Sherburn and Tadcaster or Local Service Centres outside the District.
- Local Employment - a guide to availability of local employment.

7.2 In relation to the various indicators, the study scored Escrick in the following manner against the criteria:

Size - Category 4

Basic Local Services – Category 1

Accessibility – Category 2

Local Employment – Category 2

7.3 In terms of the findings, Escrick achieved an overall scoring of 3, as the Council suggested that Escrick scored only twice in the highest two categories.

7.4 As can be seen from 7.2 above, this conclusion is however incorrect. Escrick does in fact score three times in the highest two categories. This means that Escrick should have been given an overall score of 2 in the findings of the assessment, which would have put it on a par with South Milford, Hemingbrough, Byram and Hambleton. All of the category 2 settlements were classified as Designated Service Villages in the Core Strategy as a result of the assessment. This suggests that on the basis that the Council made a mistake when recording the overall sustainability, Escrick should be upgraded to a DSV on the overall scoring system alone.

7.5 However, further interrogation of the assessment finds that the study is lacking in other ways and the conclusions reached in relation to Escrick provide more reasons as to why Escrick should now be upgraded to a Designated Service Village. Each reason is set out below:

Size

7.6 It should be noted that the Council assessed the population size on the basis of 2006 projections. Since then, NYCC has updated the projections which now show that Escrick has a population of 1340 persons in 2010. This moves Escrick into the next scoring band, which would mean it would move up from Category 4 into Category 3, alongside Byram and Cawood, which are both DSVs in the Core Strategy. This would not change in the overall scoring of Escrick, but it does further support the case for

why Escrick should be categorised as a DSV within the Core Strategy and ensures any weighting of the overall score should be weighted in a positive manner.

- 7.7 It should also be noted that Escrick has a much larger population than many of the villages which have been categorised as DSVs within the Core Strategy, including Appleton Roebuck, Brotherton, Fairburn, Monk Fryston, Hillam and Ulleskelf. If Escrick has a much larger population than all of these villages and meets the overall criteria to be a Category 2 village alongside others that have all been labelled DVsS within the Core Strategy then it really does raise the question why the Council did not automatically find Escrick to be a DSV too.

Basic Services

- 7.8 Escrick scored in the highest category under this test, as it has all the services by which the test was scored. It should be noted that the Doctors' Surgery in Escrick is actually the lead Practice within the area, as the Practice has a number of satellite surgeries in surrounding villages at North Duffield, Wheldrake and Naburn. The four surgeries managed from Escrick cover Fulford, Naburn, Stillingfleet, Escrick, Wheldrake, Thorganby, North and South Duffield, Osgodby, Skipwith, Barlby, Riccall and Cliffe. The Practice therefore provides a service to a larger catchment than simply Escrick, including areas within York (i.e. Wheldrake, Naburn and Fulford), which raises the relative importance of Escrick.
- 7.9 It should also be noted that a number of the DSVs identified in the Core Strategy do not have a Doctor's Surgery, including Ulleskelf, Fairburn, Hillam, Brotherton, Byram and Hambleton.
- 7.10 Escrick also has more than one general store as the Post Office is also a shop, and the local filling station which has just been extended includes a large convenience store which is part of the national Costcutter chain. To have a national store in a village with an already well-established Post Office and shop shows investment which demonstrates the vitality and viability of the settlement.

- 7.11 In relation to basic services, if Escrick is compared to the list of DSVs, it scores more favourably than some, given that some in the list do not have either a post office or general store, including Appleton Roebuck, Hillam and Brotherton.

Accessibility

- 7.12 Escrick is on a strategic corridor between Selby and York, which means that it is highly accessible both by means of private transport and public transport, which is recognised in the assessment. Whereas in areas more remote from the primary road network where bus services are frequently subsidised and subject to change, Escrick's location makes it highly unlikely that its excellent regular and frequent bus service will fundamentally change over time.

Local Employment

- 7.13 Background Paper 5 (paragraph 3.22 and Table 5) recognises that Escrick is an employment hub within the District. The settlement is identified as a "smaller employment location" providing between 800 and 1000 jobs. As such it is listed as one of the villages against which other settlements were tested to determine their sustainability by proximity to an employment location. Examples of employment opportunities in Escrick are: The Parsonage County House Hotel, 50 jobs; the PFS/repair garage, 17 jobs; jobs currently provided in Escrick Park Estate "barn conversion" schemes in and around Escrick, 130; Home Care business, 160 jobs; Queen Margaret's School, 200+ jobs.
- 7.14 Indeed, in comparing the relative sustainability of villages by reference to access to higher level services and employment opportunities (Appendix 1 to Background Paper 6: Village Growth Potential Analysis) it can be seen that, whereas Escrick – a **Secondary Village** – is described as *relatively sustainable with..... good access to higher level services and employment opportunities in York and Selby*, the following **DSVs** are described as *less sustainable*: Carlton, Church Fenton, Eggborough, Fairburn, Hemingbrough, Kellington, Monk Fryston/Hillam, North Duffield and South Milford.

Overall Conclusions

- 7.15** If the mistake made by the Council is corrected, then the scoring system in summary Table 7 shows that Escrick actually received the same score as Hemingbrough and in the same categories. Hemingbrough is a DSV. It can therefore only be concluded that if Escrick scored the same as Hemingbrough and was subsequently classified as a DSV then Escrick should be too.
- 7.16** Furthermore, it is unclear in the assessment how distance from employment centres is measured – a location “within 5 miles” of a defined employment centre giving a settlement the highest ranking in the employment category. Escrick is less than 5 miles from the built up area of York (though more than 5 miles from York centre). If Escrick is treated as lying within 5 miles of York, its overall position in the sustainability matrix changes dramatically and it becomes the third most sustainable rural settlement in the District. Accepting the inherent weaknesses of this type of exercise, it seems to me that such an outcome much more accurately represents Escrick’s position in the District’s settlement hierarchy than its position as presented by the Council to date.
- 7.17** However, the Council has suggested in Background Paper 6 that there are local circumstances that would inhibit future planned growth in Escrick and it is these circumstances which the Council has so far put forward as the reason why Escrick should not be a DSV. The circumstances boil down to the Council’s opinion that: “There are strong environmental and landscape constraints to development particularly south of the village which militate against expansion”. The Background Paper does not provide any more explanation beyond this broad reference.
- 7.18** The Sustainability Appraisal provides no clues as to why the Council made such a judgement in relation to the landscape value around Escrick. All I can think of is that it refers to the listed parkland to the south of Queen Margaret’s School, but this area lies between and is contained by 2 roads and does not extend to the south west or south east of the village.

7.19 Looking through the sites included in the various versions of the SHLAA there is no mention of landscape being a constraint in relation to any of the sites assessed in and around Escrick.

7.20 Within Background Paper 10, the Council assessed the value of the landscape around Escrick. The settlement was split into three sectors where A represented the west, B represented the east and C represented the south.

Sector A was found to have moderate landscape value, as it was considered that any development to the west of the A19 would impact on the landscape (despite the presence of other features such as overhead lines and some building) and compact character of the village.

Sector B was found to have low landscape value and it was concluded that development would have limited impact.

Sector C was considered to be of high landscape value due to the Estate Park.

7.21 Looking at all the evidence in the round, it is difficult to understand how the Council could conclude that the landscape around Escrick is so sensitive that development would be harmful given that the landscape values to the east and west were not found to be of the highest quality. Furthermore and importantly, landscape has not been included in the strategic considerations which governed the categorisation of settlements within the hierarchy.

7.22 It therefore appears that the Council is artificially constraining Escrick at this early stage, despite it scoring well in terms of relative sustainability. Sites in the SHLAA should be assessed as part of the SADPD process but it appears the Council is predetermining the outcome of the SADPD process by constraining Escrick at the Core Strategy stage.

7.23 On the basis of the Council's own evidence there appears to be no reason why Escrick should not be identified as a DSV in the Core Strategy and in accordance with the findings of the assessment which informed the list of DSVs. In doing so, it will

provide an additional settlement to accommodate the increase in the housing target which is now proposed in the Proposed Changes.

- 7.24 The SADPD process has already found that there is limited capacity across the DSVs to accommodate the level of growth proposed in the Submission version of the Core Strategy. The availability of land in Escrick through site PHS/10/001 could therefore provide necessary capacity to accommodate the amended housing target over the extended Plan period and/or to provide for any housing “redistributed” from Tadcaster.

8. THE COUNCIL’S FAILURE TO CONSIDER ALL REASONABLE ALTERNATIVES TO MEET THE HOUSING REQUIREMENT, ALSO TAKING INTO ACCOUNT OWNERSHIP CONSTRAINTS AT TADCASTER

- 8.1 Paragraph 4.38 of PPS12 sets out the requirement for local authorities to identify and appraise all alternative options. It states:

4.38 The ability to demonstrate that the plan is the most appropriate when considered against reasonable alternatives delivers confidence in the strategy. It requires the local planning authority to seek out and evaluate reasonable alternatives promoted by themselves and others to ensure that they bring forward those alternatives which they consider the LPA should evaluate as part of the plan-making process. There is no point in inventing alternatives if they are not realistic. Being able to demonstrate that the plan is the most appropriate having gone through an objective process of assessing alternatives will pay dividends in terms of an easier passage for the plan through the examination process. It will assist in the process of evaluating the claims of those who wish to oppose the strategy.

- 8.2 In relation to the settlement hierarchy and distribution of housing land, the Council is therefore required to identify different ways in which to distribute development across the district and how development might be apportioned to the different tiers.

8.3 The Examination process required the Council to reappraise the Tadcaster portion of development and to consider alternatives for apportionment and distribution in light of the lack of developable land in the town. Six alternative options (plus two additional sub-options) are set out in section 3 of the Addendum to the SA, which was issued alongside the Proposed Changes.

8.4 There are two glaring omissions in the assessment in relation to the alternative options that the SA should have included, which are:

- Reduce the housing numbers at Tadcaster and “add” these numbers to the housing figures across settlements within the same housing market area
- Reduce the housing numbers at Tadcaster and increase the number of Designated Service Villages across which the increased figures could be accommodated

These options are considered below.

Reduce the housing numbers at Tadcaster and add these numbers to the housing figures across settlements within the same housing market area

8.5 The Submissions version of the Core Strategy expected Tadcaster and Sherburn to accommodate the same percentage of the overall housing target and therefore each settlement was apportioned 9 per cent of the target. The Proposed Changes now suggest that Sherburn will accommodate 11 per cent and Tadcaster only 7 per cent. However, rather than reduce the target for Tadcaster, there is the opportunity to distribute the difference across the DSVs within the same housing market as Tadcaster.

8.6 It is considered that in doing so the Strategy will be more aligned with the Submissions version of the Core Strategy, as the level of growth between sub areas will remain the same. It would also mean that development intended for Tadcaster would be delivered in the same area thereby helping to maintain the same sustainable

development principles. This would be in preference to increasing the amount of development in the western sub area and reducing it in the northern sub area, which is the approach now being advocated in the Proposed Changes version of the Core Strategy.

- 8.7 The approach now being promoted by the Council is contrary to the reasoning behind the Submission Core Strategy. This is evident from reading the two versions of Background Paper 3, where the strategy for distribution set out in the first version to accompany the Submissions Core Strategy is very different from the reasoning supporting the Proposed Changes.

Reduce the housing numbers at Tadcaster and increase the number of Designated Service Villages across which the increased figures could be accommodated

- 8.8 The Proposed Changes set out that 220 additional dwellings will need to be accommodated within the DSVs. The increase in the housing target and the need to redistribute at least a portion of Tadcaster's numbers means that the Designated Service Villages will need to accommodate a greater proportion and number of dwellings than are set out in previous iterations of the Core Strategy.

- 8.9 However, there is a known issue in relation to the availability of land across the DSVs to accommodate development, which is set out in the SADPD. The recent consultation on the SADPD highlighted how certain settlements are physically constrained or subject to policy constraints or local opposition to growth. These considerations lead the Council to put forward an approach whereby once a settlement had accommodated development within its parameters, any remaining need was then directed to neighbouring settlements. However, this Housing Pool approach only provides a limited capacity to redistribute the housing numbers before a more radical approach would be required, which would require a green belt review.

- 8.10 It is therefore sensible and reasonable to consider whether the number of settlements within the DSV tier can be increased in order to reduce the pressure on the existing

list of DSV settlements. I have demonstrated in these submissions that there is at least 1 settlement (Escrick) that is suitable for such consideration.

- 8.11** Furthermore, the Submissions version of the Core Strategy only contemplates a limited green belt review potentially affecting only a couple of villages. The increase in the housing numbers will however result in the need to review the green belt boundaries around more villages. By increasing the number of DSVs, the number and distribution of changes arising from the green belt review will be reduced leading to an outcome more in line with the original strategy of the Submission Core Strategy.

9. THE DUTY PLACED ON THE COUNCIL TO CO-OPERATE WITH ADJACENT PLANNING AUTHORITIES IN THE FORMULATION OF LDF POLICIES

- 9.1** There are a number of procedural issues to consider here. The Localism Act (Provision 110) places the statutory obligation on neighbouring Planning Authorities to collaborate meaningfully and on an on-going basis on any strategic matter arising during preparation of any Development Plan document. The use of land and sustainable development or infrastructure that does (or might) have a significant impact on at least two planning areas fall within the definition of a “strategic matter”.

- 9.2** Whether or not the duty to co-operate applies in circumstances where Development Plans have already been submitted to the Secretary of State has been the subject of debate at other Examinations and the indications are that the Inspectorate’s view is that the duty does not apply in these cases. However, by requiring on-going consultation, Provision 110 appears to contemplate co-operation at every stage where a Development Plan process moves from one stage to another.

- 9.3** The position at Selby is that following the suspension of the Examination in September 2011, the Council has produced proposed changes to the Core Strategy which have required a further round of public consultation. It is possible the legal and procedural situation may be clarified before the resumed Examination but at this stage it seems that the proposed changes do trigger the duty to co-operate, as consultation started after the Provision commenced on 15 November 2011.

- 9.4 Assuming this is correct, the Council should be in a position to identify the nature and scope of the discussions, agreements and collaborations reached with adjoining Authorities.
- 9.5 I would expect these arrangements to include meaningful discussions with Leeds City Council on the prospect of increasing housing allocations anywhere in the western part of Selby, which has significant implications for cross-boundary migration and journey to work patterns (that is, sustainability considerations), and with the City of York Council in relation to York's under-provision of housing land (which appears to be recognised in Background Paper 14), the potential implications of Selby failing to meet its housing requirements in the northern part of the District which shares the same housing market area as York, and any knock-on effects on green belt.
- 9.6 The green belt which runs down the western part of Selby – and this includes the green belt to the west of Tadcaster – is part of the West Riding Green Belt: hence any proposed changes to it are bound to be of interest and at least need discussing with Leeds City Council, the adjoining West Yorkshire Authority.
- 9.7 The green belt in the northern part of Selby is the outer remnants of the York Green Belt, the main purpose of which as indicated previously is to protect the character and setting of the historic city. Almost all of the land within the York administrative area lying outside the built up area of the city lies within the general extent of the RSS green belt. The Submission Core Strategy for York provides for growth in only one of the settlements inset into the green belt and a tight inner green belt boundary closely aligned to the existing edge of the built up area. There is no evidence that the City of York Council has engaged in meaningful discussions with Selby but since on any consideration there must be a prospect of York-generated development attempting to “leap frog” the green belt into Selby, the lack of cross-boundary discussions and agreements between these two Authorities is very difficult to understand. More than that, given the close relationships between the western part of Selby and Leeds and the northern part of Selby and York, the failure to co-operate must go to the soundness of the Core Strategy.

9.8 Turning again to Background Paper 14, it is made clear here, first, that the Council understands that some adjacent Authorities are likely to under-provide housing against identified requirements and, second, that the Core Strategy seeks to increase Selby's economic containment and reduce high levels of out-commuting. The Core Strategy principle resulting from this is that Selby plans "to meet its own housing requirement, not those of other Districts". This is not a credible position. Even if it is concluded that, given the particular circumstances of the suspended Examination, the duty to co-operate does not apply to Selby's situation, I note that the draft NPPF requires Authorities to take cross-boundary movement (e.g. migration) into account.

10. CONSEQUENCES FOR ESCRICK IF IT IS NOT INCLUDED IN THE LIST OF DESIGNATED SERVICE VILLAGES

10.1 If Escrick is not reassigned to the DSV tier of the settlement hierarchy it will, for the first time, place the settlement within a tier of villages where no growth is expected beyond infill development on brownfield sites (but not gardens) and conversions of existing buildings.

10.2 Furthermore, no review of the green belt around Escrick would be undertaken, as Policy CPXX currently does not set out any provision for the green belt of inset villages to be reviewed. This point raises an anomaly in CPXX, as it appears the Policy is inconsistent in its approach to green belt review.

10.3 Criterion D sets out 4 matters that define the purpose of a review of green belt boundaries. The second is to review washed over villages. This suggests the Council intends to review washed over villages. However, the Proposed Changes do not mention why the Council intends to review washed over villages beyond a fleeting mention in paragraph 4.29k, where reference is made to the Council reconsidering washed over villages against Green Belt objectives. This leaves the question hanging in the air as to the reasons why the Council would undertake such a review and what the outcome might be.

- 10.4** It also raises the question as to why the Council is not proposing to undertake a similar review of inset villages if one of the purposes of review is to make sure boundaries are defensible for the long term.
- 10.5** We therefore suggest that Criterion D should be amended to make reference to inset villages alongside the review of washed over villages, and the reasons for the review should be made more explicit. The Core Strategy should after all set out the framework for such reviews and so the expected outcome of the review must be clearly set out in Policy CPXX.
- 10.6** This proposal is a very much “second best” alternative to the re-classification of Escrick as a DSV.

11. CONCLUSIONS

- 11.1** On the basis of these submissions we have concerns that the proposed changes fail to make the Core Strategy sound without further changes being made, as set out in our comments.
- 11.2** The main change now is that Escrick should be added to the list of DSVs. It is quite clear on the evidence put forward that Escrick should now be included in the list of DSVs given the Council made a mistake in the scoring. Further, the Council now has every reason to include Escrick in the list of DSVs on the basis that it scores more highly than other DSVs and we have proven (and the Council appears to agree) that it is a relatively sustainable settlement.
- 11.3** Without such a change, the Council is unlikely to be able to deliver the increased housing numbers set out in Policy CP2 due to the constraints on capacity which have been identified in relation to the existing list of DSVs. By increasing the housing target and extending the Plan period, the Council has inadvertently created the situation that much more land is required for development than was originally expected in the Submission Core Strategy. Adding Escrick to the list of DSVs would therefore create additional capacity for development across that tier of the settlement hierarchy.

- 11.4** Escrick is also within the same housing market as Tadcaster, which would mean that the Council could deliver more development within the northern sub area of the District, thereby keeping nearer to the original strategy than is now being put forward in the Proposed Changes. To be able to do so is considered to be more sustainable than sending more development to the west of the District. The Examination process proved conclusively that significant development cannot be delivered in Tadcaster.
- 11.5** The Council suggests that the landscape quality around Escrick is of high value and therefore this was reason enough for not elevating Escrick to the DSV tier. This reasoning cannot be substantiated. Furthermore, the Council has itself determined that such considerations are not part of the justification for determining DSVs.
- 11.6** In failing to consider all reasonable alternatives through the Addendum to the Sustainability Appraisal, the Council has failed to evaluate the role Escrick plays in the District or to fully understand the impact of the Proposed Changes.
- 11.7** If Escrick were to be included in the list of DSVs then Policy CPXX would apply, and under this policy the green belt could be reviewed in relation to releasing land for development through the SADPD process, if found necessary. However, if Escrick were not to be included within the DSV list then the green belt boundary should be subject to the same review process as that proposed for washed over villages under criterion D of the Policy. It is simply inconsistent to treat one set of villages differently to another if they are all included in the same tier of the settlement hierarchy, and more so if – as is frequently the case – washed over villages tend to be the smaller less sustainable settlements.
- 11.8** In summary and conclusion, our submission relates to the following Proposed Changes:

PC1.9	Paragraph 4.3
PC5.4	Paragraph 4.19
PC5.6	Paragraphs 4.37 to 4.39
PC5.15	Paragraph 5.17
PC5.17	Paragraph 5.20

PC5.26 Policy CP2

PC 5.14 POLICY CPXX GREEN BELT

SUSTAINABILITY ASSESSMENT ADDENDUM

11.9 For the reasons set out in these representations, we conclude and submit that the changes are inappropriate and/or inadequately justified and, accordingly, do not achieve the objective of rendering the Core Strategy sound.