

ryan king

From: Will Mulvany [Will.Mulvany@sw.co.uk]
Sent: 15 February 2012 16:06
To: ldf
Subject: RE: SDCS Further Consultation January 2012 - Messers Wainwright
Importance: High
Attachments: FINAL_SDCS_rep_form_Jan_2012 - GB.pdf; FINAL_SDCS_rep_form_Jan_2012.pdf

Dear Sir

Please find attached representations in respect of the above on behalf of our client the Messers Wainwright.

Please acknowledge safe receipt.

Regards

Will Mulvany MA MRTPI
Planning
For and on behalf of Sanderson Weatherall LLP

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Mobile: 07889 075 388
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www.sw.co.uk

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16/02/2012

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	Mr
First Name	Will
Last Name	Mulvany
Job Title (where relevant)	Senior Consultant
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Address Line 2	LEEDS
Address Line 3	
County	
Postcode	LS1 4WG
Telephone No.	0113 2216136
Email address	will.mulvany@sw.co.uk

You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 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** 5.6-Appendix 1: Policy CPXX & supporting text
(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.)

- 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 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:

On account of the increase in housing provision in Sherburn-in-Elmet, the review of Green Belt land is clearly relevant as it surrounds the settlement. The principle of Policy CPXX and the approach to release of sites appears to be acceptable.

However, given the increased demand and the likely future increased requirements in Sherburn, particularly as there are clearly doubts over Tadcaster delivering even its reduced requirement, in principle Policy CPXX is geared to facilitating such an approach to development.

However, in practice, as has been experienced through the Site Allocations DPD, sites in and around Sherburn are being rejected on the grounds that they fall within Green Belt. There is a clear conflict in the rhetoric stated within the Policy and how it is actually being applied in the 'lower order DPDs'. The Policy is unsound in this regard as lacking deliverability.

Therefore, if this Policy is to be given any credence, and be considered sound, then greater emphasis must be placed on the Council's drive to review the Green Belt boundaries in a robust and objective manner. Specific reference will need to be made to Sherburn as it is the highest order centre that will deliver the District development requirements and is also subject to Green Belt considerations. Sites may also contribute to opportunities for creation of more robust and defensible boundaries.

(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.

Specific reference should be made to the need to review the Green Belt boundary around Sherburn to facilitate additional development and appropriate 'rounding off' of the settlement.

The most appropriate approach will be to create an additional part to the Policy. For instance:

G.

A detailed assessment will be made of Sherburn-in-Elmet as it is a key focus of development to meet identified Local Plan needs and is surrounded by Green Belt. The assessment will seek to identify clear boundaries around the settlement that allow for the required expansion. This will also consider opportunities for creation of more defined boundaries to be drawn around the edge of allocated or safeguarded sites.

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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).

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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 W Mulvany

Dated 14 February 2012

**Selby District Submission Draft Core Strategy
Consultation on Proposed Changes
January 2012
Representation Form**

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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
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Please state the specific Proposed Change number: **PC** 5.26-Appendix 2: Proposed Revised Policy CP2
(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:

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(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:

Our client supports the reduction in housing provision in Tadcaster due to the various significant delivery issues.

They welcome and support the increased housing provision in Sherburn-in-Elmet, which is consistent with the settlement hierarchy and the status of Sherburn as a highly sustainable location. It may be that as a result of this, consideration should be given to creating an additional tier in the hierarchy to distinguish between Sherburn and Tadcaster and the likely rate of provision going forward.

There would also appear to be a case for an even greater increase in provision in Sherburn as history (and this latest EiP process) has proven that delivery of development of any material worth is very difficult to achieve in Tadcaster.

Consideration of amending the Green Belt boundaries around Sherburn should also be considered to facilitate this provision. This will clearly be considered through the Site Allocations DPD, but this requires a Strategic steer that is set by the Core Strategy and it would be helpful if specific reference is made at this point - we pick this up in a separate representation to this consultation.

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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.

Whilst we consider the principle to be sound, the document might be amended to create an additional hierarchical tier to downgrade Tadcaster and emphasise the importance and potential of Sherburn.

Also greater emphasis and specific reference should be made to the need to review the Green belt boundary around Sherburn to facilitate additional development and appropriate 'rounding off' of the settlement.

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Signed W Mulvany

Dated 13 February 2012