

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	MR
First Name	PHILIP	RICHARD
Last Name	HUXTABLE	BORROWS
Job Title (where relevant)	DIRECTOR	DIRECTOR
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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**

(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:

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.

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).

(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

Dated

**Consultation on Proposed Changes
To the Selby District Submission
Draft Core Strategy**

January 2012

Prepared by:

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Tel: 01904 544401

1. Introduction

- 1.1 We represent JSR Farms Ltd an important land owner and employer within Selby district and one of the largest privately owned farming groups within the UK. Whilst the company is based in Driffield, East Yorkshire it has a Breeding Centre for high health status pigs at Field Lane, Thorpe Willoughby.
- 1.2 Our representations focus on the Inspector's third area of concern with the submission Core Strategy namely; 'The overall scale of housing development over the plan period'. This statement will therefore concentrate on those elements of the 'Fifth Set of Changes' which derive from this "deficiency" identified by the Inspector in September 2011.

2. Why we consider the proposed changes to be 'unsound'

- 2.1 Paragraph 10 of the Inspector's ruling in relation to the suspension of the E.I.P, makes reference to the 'strong body of evidence that points to a current level of need significantly above the RSS target of 440 dwellings per annum'. In response the Council's revision reflected in its amended Policy CP2 nudges this figure up to 450 amounting to an uplift of 160 dwellings over the local plan period. We have to say that this modest increase strikes us as a strange interpretation of the Inspector's use of the word "significant".
- 2.2 The Inspector's reservations (about the overall scale of housing development) were expressed in strong terms with reference to three sources of data which called into question the Council's conclusions; and yet the Council's findings as of January 2012 show only a modest response to this breadth of evidence. The Council's consultants, Arup's in their Background Paper 14 prefer to rely on CLG Household Projections for 2004 rather than more up to date statistics; this seems to fly in the face of PPS3, paragraph 33 which advises the use of 'The Government's latest published household projections' – in this instance published in November 2010 and based on 2008 population projections.
- 2.3 It has already been put to the Examination that an annual figure c.440 units per annum is inadequate, flies in the face of up to date nationally produced housing projections and the evidence from the Strategic Housing Market Assessment (SHMA). The 2009 version of the SHMA talked of an overall requirement across Selby District of 1,119 dwellings of which 710 should be market housing (paragraph 6.18). Our conclusion on this specific matter of growth across the district is that the Council's response fails to reflect the breadth of evidence identified by the Inspector and others at the E.I.P. As a consequence we consider the Council's conclusion in this matter is not justified and thus the Core Strategy remains unsound.
- 2.4 The test of soundness which you have referred to, derived from PPS12 includes a test of compliance with national policy. Whilst yet to be published as formal policy the Draft National Planning Policy Framework nevertheless remains a material consideration for decision makers. This is particularly so at the present time given that the publication date should coincide with the reopening of the Examination in public in April 2012. The draft document, at paragraph 107, talks about 'increasing the supply of housing' and 'delivering a wide choice of high quality homes that people want and need'. Paragraph 109 goes on to talk about 'significantly increasing the supply of housing' (language which echoes that of the Inspector). In addition to '5 year's worth of housing against housing requirements', it calls for 'an additional allowance of at least 20% to ensure choice and competition in the market for land'.

We are unaware that the 5th set of changes makes any reference to this requirement from the draft national guidance. Taken together with the Inspector's comments of September 2011 it is hard to see how the Council's revision to the Core Strategy can meet this test of conformity to national policy and thus fails, we believe, this further indicator of soundness.

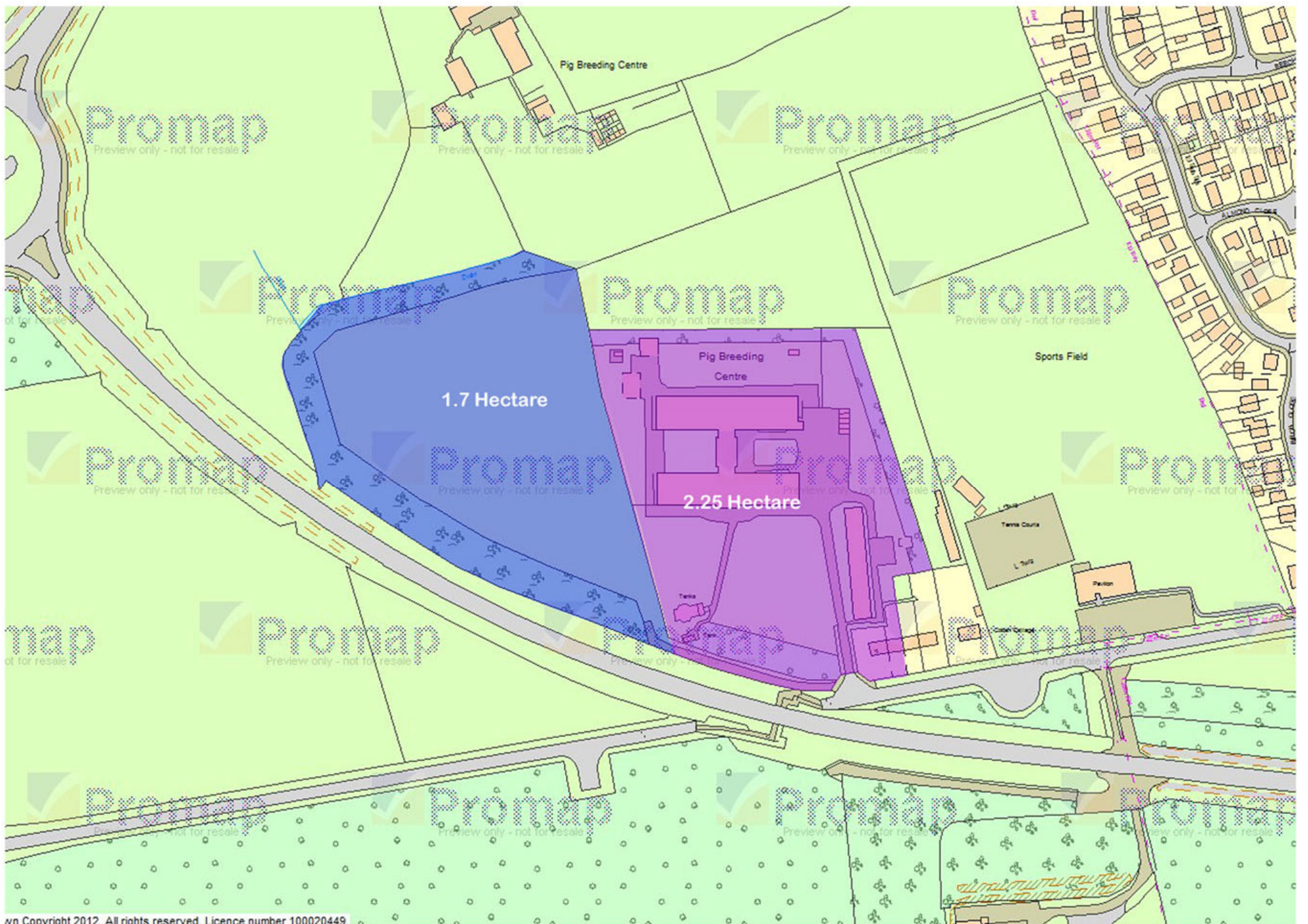
- 2.5 The revised figure for the overall scale of housing across the district is expressed within the amended Policy CP2 of the Core Strategy. In addition to identifying how the additional 5340 dwellings are to be brought forward over the plan period, the policy also seeks to broadly allocate these between settlements. In comparing this 'allocation' with the indicated figures from the May 2011 submission draft, it is acknowledged that there is a significant fall with regard to Tadcaster's contribution (500 dwellings down from 650) reflecting a variety of constraints identified within the EIP. What is also noticeable however is the limited increase in the allocation to 'Designated Service Villages' – up from 1929 to 2000, a miserly increase of 71 dwellings to be distributed over 17 communities during the plan period. Given the emphasis placed on the sustainability of the designated service villages – particularly those seen as satellites of Selby town (Thorpe Willoughby, Barlby and Brayton) within the Core Strategy (paragraphs 2.33 and 4.17 for example) this strikes us as extraordinary. Even more so when one bears in mind the shrinkage in the contribution from Tadcaster and thus the need to "redistribute" these displaced, future dwellings. In our view, and bearing in mind the existing pattern of population distribution (69% of the district's population living outside the 3 main towns – paragraph 4.25 of the Core Strategy), we believe this failure to allocate a significant proportion of housing towards established and sustainable settlements is unjustified.
- 2.6 We do not consider that the changes proposed within policy CP2 adequately reflect the reservations expressed by the inspector about the scale of development during the plan period nor do they meet the tests the council has referred to regarding "soundness". For example the reliance upon the "mixed use" urban extension to the east of the town to accommodate 1000 dwellings has been strongly questioned with the E.1.P. so far. Knowing that this reference is to the site to the rear of the Olympia Mill, it is difficult to see that this site could be seen as 'effective' within PPS 12 terms given its high flood risk and the infrastructure consequences of seeking to mitigate that. This same area of land has been allocated for employment purposes throughout the former local plan period (first published in 1995) with absolutely no sign of development coming forward. Even during the boom period ending in 2007 employment development here did not proceed.
- 2.7 We would further argue that the framing of Policy CP2 does not readily conform to the thrust of PPS 3. It is difficult to see how the excessive concentration on Selby town and the very limited expansion of some highly sustainable service villages (we have already mentioned Thorpe Willoughby, Brayton and Barlby) embraces the concept of 'a wide choice of quality homes ...to address, the requirements of the community....to create sustainable, inclusive mixed communities in all areas, both urban and rural' (PPS3 paragraph 9) Paragraph 2.44 of the Core Strategy defines one of the challenges of the document as 'developing sustainable communities' but we consider this opportunity will be lost if there is not a significant movement away from the excessively centralised (on Selby town) strategy currently expressed. The Inspector has provided a golden opportunity to move away from this through his call for a more liberal approach to the quantum of housing development; the Council should take up this opportunity. We note from paragraph 4.17 of the Core Strategy reference to the inter-dependence of settlements such on Barlby/Osgodby, Brayton and Thorpe Willoughby with Selby Town. To maintain these sustainable settlements, all of them enjoying

a good range of services, it is important to assign them a reasonably high level of growth. Paragraph 4.25 of the Strategy makes it clear that a very clear majority (69%) of Selby's population live outside the three main towns. Given this choice (to live within the more rural parts of the district) it would seem reasonable, and sustainable, to provide for growth within designated services villages.

- 2.8 Question 4 of the representations form seeks suggestions as to policy amendments which would deal with any "unsoundness" which may have been identified. Our criticism is directed both at the level of housing growth and, just as importantly, its distribution. In our view the council has maintained its undue emphasis on Selby town despite criticism about this strategy. It has also failed to lift growth targets to any material degree – despite the inspector's less than ringing endorsement of its growth strategy.
- 2.9 We act for a landowner who owns land which is well placed in relation to the sustainable settlement of Thorpe Willoughby (see plan at appendix I). This land comprises two elements; on the one hand 2.25 hectares amounting to the developed element containing the livestock buildings, research laboratories, and offices etc; and the other element, 1.7 hectares, an area of open land to the west. Whilst both these sites lie beyond development limits as currently expressed (within the now dated local plan) they nevertheless lie within the envelope defined by the By-pass. The first site certainly represents a brownfield opportunity, well related to the settlement of Thorpe Willoughby and in a location which would not involve development encroaching upon countryside. The second site, whilst greenfield, also sits within the envelope of the bypass and so likewise enjoys a favourable relationship with the village. Interestingly in allocating land at Staynor Hall for residential purposes, the Council treated the then line of the by-pass (which was not opened until 2004) as an effective boundary between the town and countryside beyond; we do not recall any body of opinion resisting this particular line of thinking either at that time or since. In our view the parallels with Thorpe Willoughby are clear and we believe could enable a proportionate expansion of this settlement without harm to the countryside.
- 2.10 However, within the proposed alterations to the Core Strategy the opportunity our client's land presents typifies, we believe, the scope to provide for the reasonable expansion of the Designated Service Villages in a way which better reflects the more dispersed pattern of development to be found within the district. The proposed 5th set of changes to the Core Strategy fail to effectively carry forward this pattern in a manner which might echo the premium given to 'housing choice' within PPS 3. For these reasons we re-affirm our view that the Core Strategy (as now revised) remains unsound.

Appendix I

Site Location Plan



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